



City of Westminster

# Committee Agenda

Title:

**Planning Applications Sub-Committee (2)**

Meeting Date:

**Tuesday 16th July, 2019**

Time:

**6.30 pm**

Venue:

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

Members:

**Councillors:**

Robert Rigby (Chairman)  
Louise Hyams  
Matt Noble  
Peter Freeman



**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](mailto:gwills@westminster.gov.uk)  
Corporate Website: [www.westminster.gov.uk](http://www.westminster.gov.uk)**

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

## **AGENDA**

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

#### **1. MEMBERSHIP**

To note that Councillor Peter Freeman had replaced Councillor James Spencer.

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 the specific applications at the planning committee meeting.

To register to speak and for guidance please visit:

[www.westminster.gov.uk/planning-committee](http://www.westminster.gov.uk/planning-committee).

Please note that you must register by 12 Noon on the Friday before the Committee meeting

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

#### **5. SECOND FLOOR, 25 - 26 ALBEMARLE STREET, LONDON,**

**(Pages 5 - 12)**

**(Pages 15 - 28)**

**W1S 4HX**

- |            |   |                          |
|------------|---|--------------------------|
| <b>6.</b>  | <b>15 LANCELOT PLACE, LONDON, SW7 1DR</b>                 | <b>(Pages 29 - 54)</b>   |
| <b>7.</b>  | <b>78 ST JAMES'S STREET, LONDON, SW1A 1LF</b>             | <b>(Pages 55 - 94)</b>   |
| <b>8.</b>  | <b>BELGRAVIA COURT, 33 EBURY STREET, LONDON, SW1W 0NY</b> | <b>(Pages 95 - 122)</b>  |
| <b>9.</b>  | <b>17 CHESTER SQUARE, LONDON, SW1W 9HS</b>                | <b>(Pages 123 - 148)</b> |
| <b>10.</b> | <b>23 SUTHERLAND PLACE, LONDON, W2 5BZ</b>                | <b>(Pages 149 - 172)</b> |

**Stuart Love  
Chief Executive  
5 July 2019**

## Order of Business

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

<b>Order of Business</b>
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 (2)

#### MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (2)** Committee held on **Tuesday 18th June, 2019**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

**Members Present:** Councillors Robert Rigby (Chairman), James Spencer, Matt Noble and Elizabeth Hitchcock

#### 1 MEMBERSHIP

- 1.1 It was noted that Councillor Elizabeth Hitchcock had replaced Councillor Louise Hyams.

#### 2 DECLARATIONS OF INTEREST

- 2.1 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 MINUTES

- 3.1 That the minutes of the meeting held on 28 May 2019 be signed by the Chairman as a correct record of proceedings.

## 4 PLANNING APPLICATIONS

### 1 30 - 31 GOLDEN SQUARE, LONDON, W1F 9LD

Alterations including partial infilling of rear courtyard on basement and ground floors, rear extensions on first to fifth floors and seventh floor roof extension with plant enclosure, roof terrace and green roof above all to provide additional office accommodation (Class B1); new balconies/terraces at front fourth, fifth and seventh floor levels and at rear first, sixth and seventh floor levels. Flexible use of part basement and part ground floor for either retail / office/ gym use (Class A1/ B1/ D2), provision of cycle parking and associated external alterations.

Late representations were received from Concilio (14.6.2019), the occupier of the Penthouse, 6 Upper John Street, W1F 9HB (18.6.2019) and the Senior Planning Solicitor (18.6.2019).

The presenting officer tabled the following amendments to decisions and reasons on the draft decision notice (changes highlighted in red).

- 4 Customers shall not be permitted within the gym before 06.00 or after **23.00** on Monday to Friday or before 08.00 or after 20.00 on Saturday and Sundays.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and SOC1 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

- 11 The terraces **and balconies** should not be in used between 21:00 and **08:00** hours the following day, except in the case of an emergency.

Reason:

To protect neighbouring residents from noise 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. (R13FB)

- 12 Prior to the occupation of the gym, you must apply to us for approval of an Operational Management Plan to show how you will **ameliorate any potential nuisance** for people in the area, including people who live in nearby buildings. You must not occupy the gym until we have approved what you have sent us. You must then carry out the measures included in the management plan at all times that the premises are in use.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and SOC1 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R05GB)

14 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the sections of green roof to include construction method, layout, species and maintenance regime.

You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details prior to the **occupation of the development hereby approved** and thereafter retain and maintain in accordance with the approved management plan.

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

15 You must provide **the environmental sustainability features (environmentally friendly features)** identified in Section 3 of document titled 'Sustainability Statement' by Cundall dated 12 March 2019 before you start to use any part of the new accommodation. You must not remove any of these features. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44AC)

20 In the event that you use the premises for D2 use, you must use the property only for gym, fitness or health club use. You must not use it for any other purpose, including any within Class D2 of the Town and Country Planning (Use Classes) Order 1987 as amended April 2005 (or any equivalent class in any order that may replace it).

Reason:

To protect neighbouring residents from noise nuisance, as set out in **(omit S24)**, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

22 Customers shall not be permitted within the **Class A1 retail** unit before 06.00 or after 23.00 daily.

**Reason:**

**To make sure that the use does not cause nuisance to people in the area as set down in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007.**

**Statement on Article 8 of the European Convention on Human Rights**

The Human Rights Act requires that the City Council in its role as local planning authority acts consistently with the European Convention on Human Rights. The occupier of the penthouse flat in No.6 Upper John Street has objected as they consider that no assessment has been made in respect of the Article 8 rights (Right to respect for private and family life).

Article 8 rights are not rights without limit and may be interfered with where it is in accordance with the law and is necessary in a democratic society. Article 8 rights should be respected as part of the planning process, but they are not guaranteed and it is a planning judgement against all the other material considerations, wider public interests and other private interests. As the Town and Country Planning regime is designed to balance the rights of individuals against the interests of the wider community, the City Council must consider the potential interference with human rights and ensure that any reasons for interfering with these rights are proportionate.

The rights of family, the applicant and the interests of the wider community have to be balanced when assessing this application. The impact of the proposal on neighbouring properties has been discussed within the committee report. The benefits of the proposal due to the improved design of the building, the increase and improved quality of the office accommodation, the provision of either an additional social and community use or a retail unit, which are both encouraged in this location, and the provision of cycle parking and associated facilities outweigh the objections that have been raised. It is therefore considered that any interference with the amenity of any neighbouring residential property is proportionate.

**RESOLVED UNANIMOUSLY:**

That conditional permission be granted subject to the changes to the draft decision letter as tabled and set out above and subject to the following further amendments:

1. Amending Condition 11 restricting the hours of use of the terraces and balconies on Monday to Fridays only to 8am to 9pm.
2. Amending Condition 22 to reduce the hours of use of the Class A1 retail unit on Sundays to 22.00 hours.



3. An additional condition requiring the gym to have self-closing doors and no openable ground floor windows in order to safeguard the amenity of nearby residents.
4. An additional informative that the Council would like to see the lights that are currently left on in the existing building are turned off at night.

## **2 47 VILLIERS STREET, LONDON WC2N 6NE**

Application 1: The temporary use of five areas of Watergate Walk for the placing of 42 tables, 168 chairs, 23 umbrellas, 8 awnings and two serveries in connection with Gordon's Wine Bar, 47 Villiers Street (Area 1: 36.3m x 2.0m, Area 2: 29.4m x 2.0m, Area 3: 19.6m x 2.6m, Area 4: 19.6m x 2.6m and Area 5: 6.6m x 2.6m).

Application 2: The temporary use of two areas along Watergate Walk each measuring 2.7m x 19.6m for the placing of 20 tables and 80 chairs in connection with the Gordon's Wine Bar, 47 Villiers Street.

Late representations were received from Gordons Wine Bar (12.6.2019), The Northbank BID (14.6.2019) and Councillor Louise Hyams (17.6.2019).

Simon Gordon addressed the Committee in support of the application.

Councillor Mark Shearer addressed the Committee as a local Ward Councillor and on behalf of his fellow Ward Councillors, who were in support of the application.

The presenting officer tabled the following amendments to the draft decision letters.

### **Application 1 - Revised Reasons for Refusal 1 and 2.**

The extent of outdoor seating proposed along Watergate Walk in connection with Gordon's Wine Bar at 47 Villiers Street, would result in noise, disturbance and nuisance to nearby residential occupiers, including those within Kipling House on Villiers Street and on Buckingham Street and York Buildings. This would be harmful to residential amenity and is contrary to S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 13, TACE 9 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.

The proposal to place tables and chairs and other furniture on both sides of Watergate Walk would block the flow of pedestrians along the passageway and so would not provide a convenient, attractive and safe pedestrian environment. This does not meet S41 of Westminster's City Plan (November 2016) and TRANS 3 and TACE 11 of our Unitary Development Plan that we adopted in January 2007.  
(X08AC)

### **Application 2 - Additional condition**

Within one month of the date of this decision you must apply to us for approval of an Operational Management Plan. You must then carry out the development in accordance with the details approved.

## **RESOLVED UNANIMOUSLY:**

Application 1: That permission be granted against officer's recommendation for one year only. The Sub-committee considered that there were exceptional grounds to overturn officer's recommendation in light of the significant work undertaken by the applicant and Councillor Shearer with residents. The Sub-committee considered that the revised amount of seating, the removal of the barrels and vertical drinking and the applicant's detailed Operational Management Plan (OMP) will mitigate the potential harm to the amenity of residents. Additionally, the removal of the barrels/vertical drinking and the OMP will leave sufficient width for pedestrians to pass along Watergate Walk and the public benefits associated with providing this seating and the reduction in the number of tables will not result in harm to the designated heritage assets.

That officers be authorised to draft conditions under delegated powers that should include the requirement of the applicant adhere to the submitted OMP and no outside cooking.

Application 2: That conditional permission be granted for a limited one year period.

That officers be authorised to draft conditions under delegated powers that should include the requirement of the applicant to submit an OMP to the Council for approval and no outside cooking.

### **3 10-14 THE HIPPODROME, CRANBOURN STREET, LONDON WC2H 7JH**

Display of 15 barriers outside the corner entrance between Cranbourn Street and Charing Cross Road and 10 barriers outside the Cranbourn Street entrance (measuring 1.35m x 0.69m)

The application was withdrawn by the applicant prior to the meeting.

### **4 BASEMENT FLAT, 55 PORTNALL ROAD, LONDON, W9 3BA**

Erection of a single storey rear and side infill extension at lower ground floor level. Alterations to the front garden and lightwell including new planter.

A late representation was received from the occupier of 55b Portnall Road, W9 (18.6.2019).

The presenting officer tabled the following amendments to the draft decision letter:

AMEND approved drawings (alterations shown in **bold**)

A-001, A-010, A-011 Rev **B**, A-020 Rev A, A-021 Rev **B**, A-022 Rev A, A-033 Rev A, A-034 Rev A, A-090 and Design and Access Statement.

ADDITIONAL condition 7 to provide details of bin store:

You must apply to us for approval of details of how waste 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 flats. (C14EC)

Reason:

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

**RESOLVED UNANIMOUSLY:**

That conditional permission be granted subject to the changes to the draft decision letter as tabled and set out above.

The Meeting ended at 8.12 pm

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

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

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# Agenda Annex

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

Item No	References	Site Address	Proposal	Resolution
1.	<b>RN(s) :</b> 19/03570/FULL	25 - 26 Albemarle Street London W1S 4HX	Dual / alternative use of the second floor as either office accommodation (B1) or a private members' club use (sui generis) in connection with the existing private members' club on basement, ground and first floor levels.	
	West End	<b>Recommendation</b> Grant conditional permission.		
Item No	References	Site Address	Proposal	Resolution
2.	<b>RN(s):</b> 19/03222/FULL	15 Lancelot Place London SW7 1DR	Variation of condition 1 of planning permission dated 23 February 2016 (RN: 15/09276/FULL) for the: Demolition of the existing buildings, redevelopment of site comprising two buildings at ground and two upper levels and excavation of part two/ part three storey basements, to create 1 x 5 bedroom unit and 2 x 1 bedroom units with associated roof gardens and terraces, car parking and cycle parking (site includes 15 Lancelot Place and 1 Trevor Walk). Namely, to allow the addition of walk-on rooflight to the rear courtyard of the southern building, replacement of three rear elevation windows with a single larger window, provision of higher balustrade to the north building, raising of the main roof to both buildings, removal of green roofs to first floor, installation of satellite dish, provision of a lift overrun to the south building, reduced height of lift overrun to the north building, alterations to facades, provision of lift pits, internal layout changes, and associated works.	
	Knightsbridge And Belgravia	<b>Recommendation</b> Grant conditional permission.		
Item No	References	Site Address	Proposal	Resolution
3.	<b>RN(s):</b> Application 1: 19/02989/FULL 19/02990/LBC Application 2: 19/03873/FULL 19/03874/LBC	78 St James's Street London SW1A 1LF	Application 1: Installation of additional plant rooms and replacement plant at roof level, creation of an auditorium at the lower ground floor level together with the in-fill of the atrium space to provide access to the upper floors of the building. Associated alterations to Little St James's Street entrance.  Application 2: Alterations at roof level including the installation of plant rooms and the creation of a pavilion rooftop extension and terrace area, along with other alterations including creation of an auditorium at the lower ground floor level together with the in-fill of the atrium space to provide access to the upper floors of the building. Associated alterations to Little St James's Street entrance.	
	St James's	<b>Recommendation</b> Application 1: 1. Grant conditional permission and conditional listed building consent.		

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

	2. Agree the reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter.  Application 2: 1. Grant conditional permission and conditional listed building consent. 2. Agree the reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter.			
Item No	References	Site Address	Proposal	Resolution
4.	RN(s): 19/00352/FULL  Warwick	Belgravia Court 33 Ebury Street London SW1W 0NY	Erection of 2 storey porters lodge comprising ground floor and basement, including louvres to ventilate plant equipment within roof space of the lodge. Installation of new boundary railings and landscaping works. Associated alterations to entrances of the main buildings.	
<b>Recommendation</b> Grant conditional permission.				
Item No	References	Site Address	Proposal	Resolution
5.	RN(s): 18/07471/FULL 18/07427/LBC  Knightsbridge And Belgravia	17 Chester Square London SW1W 9HS	Excavation of a basement beneath the footprint of the dwelling, and associated plant in the rear lightwell and internal alterations.	
<b>Recommendation</b> 1. Grant conditional permission and conditional listed building consent. 2. Agree the reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter.				
Item No	References	Site Address	Proposal	Resolution
6.	RN(s): 18/05319/FULL 18/05320/LBC  Bayswater	23 Sutherland Place London W2 5BZ	Removal of front balcony structure and replacement with new balcony structure and associated works, and repair works to front porch.	
<b>Recommendation</b> 1. Grant conditional permission and conditional listed building consent 2. Agree the reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter. .				

# Agenda Item 5

Item No.
<b>1</b>

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 16 July 2019	<b>Classification</b> For General Release	
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> West End	
<b>Subject of Report</b>	25 - 26 Albemarle Street, London, W1S 4HX,		
<b>Proposal</b>	Dual / alternative use of the second floor as either office accommodation (B1) or a private members' club use (sui generis) in connection with the existing private members' club on basement, ground and first floor levels.		
<b>Agent</b>	Daniel Rinsler and Co.		
<b>On behalf of</b>	Aldwych Properties Ltd & Winter Restaurants Ltd		
<b>Registered Number</b>	19/03570/FULL	<b>Date amended/ completed</b>	10 May 2019
<b>Date Application Received</b>	10 May 2019		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Mayfair		

## 1. RECOMMENDATION

Grant conditional planning permission.
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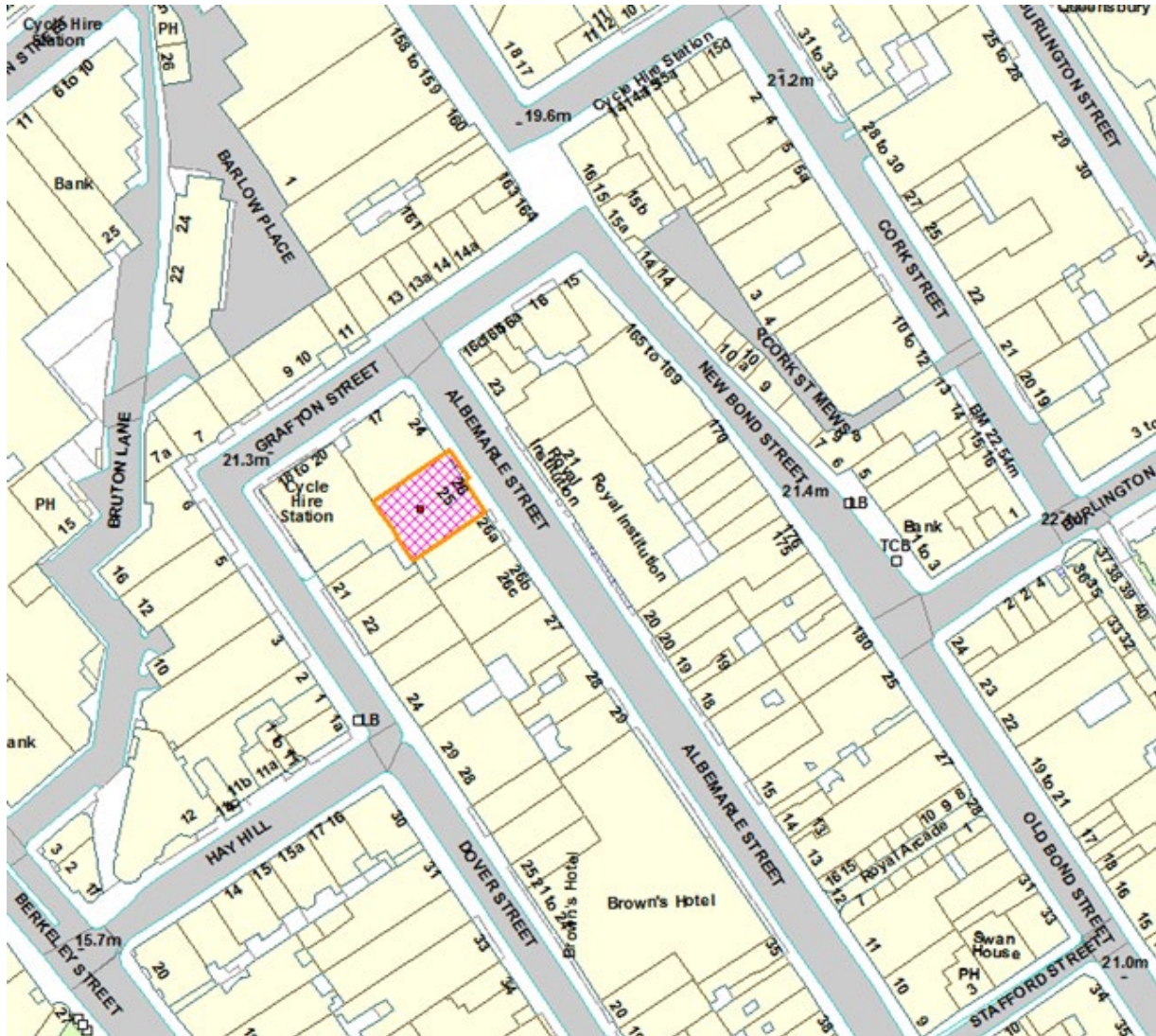
## 2. SUMMARY

25-26 Albemarle Street comprises basement, ground and four upper floors located in the Mayfair Conservation Area and the Core Central Activities Zone but outside of any designated stress areas. The basement, ground and first floors, including a rear first floor terrace area are in use as a private members club (sui generis) following a permission granted in October 2017. Permission is now sought for the dual / alternative use of the second floor as either continued office accommodation or as a private members club in association with the existing private members club on the lower floors.

The key issue is the extension of an existing large entertainment type use and the subsequent potential impact upon residential amenity.

The option to use the second floor in association with the private members club on the lower floors is considered acceptable in land use terms. A significant element of the club use would be dining. Subject to appropriate conditions including limits on the capacity and opening hours and requiring the club to operate in accordance with the Operational Management Plan the proposal is considered acceptable and recommended for approval.

### 3. LOCATION PLAN



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**4. PHOTOGRAPHS**



**5. CONSULTATIONS**

RESIDENTS SOCIETY OF MAYFAIR AND ST. JAMES'S  
Any response to be reported verbally.

MAYFAIR RESIDENTS GROUP  
Any response to be reported verbally.

HIGHWAYS  
No objection subject to conditions.

CLEANSING  
No objection subject to conditions.

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

No. Consulted: 47  
Total No. of replies: 27 letters of support on the following grounds:

- \*The premises is a well run establishment with no detrimental impact on neighbouring properties.
- \*The club has invigorated the street and supported the establishment of neighbouring businesses.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

**6. BACKGROUND INFORMATION**

**6.1 The Application Site**

25-26 Albemarle Street is located on the western side of Albemarle Street at the northern end near the junction with Grafton Street. The building comprises basement, ground and four upper floors. The basement, ground and first floor levels are in use as a private members club (sui generis) with the second, third and fourth floor levels in use as office accommodation (B1).

The building is unlisted and located within the Mayfair Conservation Area and the Core Central Activities Zone. The property is located outside of the designated stress areas and the West End Special Retail Policy Area.

**6.2 Recent Relevant History**

Permission was granted on the 2<sup>nd</sup> August 2018 for the; 'Variation of Condition 10 of planning permission dated 24 October 2017 (RN: 17/06539) for, 'Dual/alternative use of the basement, ground and first floors as either a private members' club (sui generis) or a restaurant (A3) at basement and ground and offices (B1) at first floor level. Creation of a terrace on the rear first floor roof with associated visual screening and awning for use in association with the private members' club. Installation of plant at rear first floor level and roof level with associated screening and installation of a high level extract duct and gas flues on the rear elevation of the property'; NAMELY to change the opening hours to the

following so the club can be open for breakfast: 07:00 to midnight Monday to Thursday, 07:00 to 00:30 Friday, Saturday and Sundays before a Bank Holiday; and 12:00 to 23:00 on Sundays.'

Permission was granted on the 24<sup>th</sup> October 2017 for the; 'Dual / alternative use of the basement, ground and first floors as either a private members' club (sui generis) or a restaurant (A3) at basement and ground and offices (B1) at first floor level. Creation of a terrace on the rear first floor roof with associated visual screening and awning for use in association with the private members' club. Installation of plant at rear first floor level and roof level with associated screening and installation of a high level extract duct and gas flues on the rear elevation of the property.'

Permission was granted on the 17<sup>th</sup> January 2017 for the; 'Use of the ground and basement floors as a restaurant (Class A3), installation of plant at rear first floor level and roof level with a high level extract duct on the rear elevation. Installation of two high level gas flues on the rear elevation and a replacement rooflight at rear first floor level.'

**7. THE PROPOSAL**

Permission is sought for the dual / alternative use of the second floor of the property either for continued office accommodation or as part of the existing private members club at lower ground, ground and first floor levels currently operating as Oswald's. No additional plant is sought for the use as there is already existing lawful plant in place which serves the accommodation. The extended private members club would measure 822m<sup>2</sup> (GIA).

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Use (Office)	156	0	-156
Use (Private Members Club)	666	822	+156
Total	822	822	0

**8. DETAILED CONSIDERATIONS**

**8.1 Land Use**

**Loss of office use**

The second floor of the property has lawful use as office accommodation. Within the Core CAZ the City Council has no current adopted policies which prevent offices being changed to another commercial use. The loss of offices is therefore considered acceptable in this instance. The third and fourth floors of the property would continue to operate as office floor space.

**Extension of private members club use**

The existing private members club operates at lower ground, ground and first floor levels and has a floorspace of 666m<sup>2</sup>. The inclusion of the second floor of the property would result in an extended floorspace of 822m<sup>2</sup>. The private members club opened in May

2018 over the lower ground and ground floors. In August 2018 the first floor was amalgamated with the use.

The private members club use is an 'entertainment use' and must therefore be considered against the relevant entertainment policies in the UDP and City Plan. Policy S24 of Westminster's City Plan states that 'new entertainment uses will need to demonstrate that they are appropriate in terms of the type and size of use, scale of activity, relationship to any existing concentrations of entertainment uses and any cumulative impacts, and that they do not adversely impact residential amenity, health and safety, local environmental quality and the character and function of the area'. The policy also states that new large scale late night entertainment uses measuring in excess of 500m<sup>2</sup> (GEA), will not generally be appropriate within Westminster.

Policy TACE 10 of the UDP is also applicable and this states that entertainment uses over 500m<sup>2</sup> will only be permissible in exceptional circumstances'.

The site is located within the Core CAZ which is identified within Policy S6 of the City Plan as being an appropriate location for a range of commercial uses. The immediate vicinity is characterised mainly by commercial uses with most of the neighbouring buildings in use as office accommodation on the upper floors and retail / restaurants on the lower floors. The nearest residential accommodation are the five flats in the adjoining building to the south (No. 26A) as well as a single family dwelling within 21 Grafton Street to the west (rear) of the site.

The applicant argues that there are exceptional circumstances to permit the private members club, namely:

- the site lies within Core CAZ but not a designated stress area;
- the use will have a high degree of management;
- there are few residential properties in the area;
- the increase in capacity will only be 58;
- opening hours of the club will remain as existing.

An Operational Management Plan has been submitted with respect to the extended private members club. The key points in the OMP's are:

- that there would be a qualified doorman present at all times the premises are open,
- customers will be encouraged to leave the premises quickly and quietly and to ensure no vehicles are left idling in the street or parked inappropriately,
- staff will also seek to ensure taxis are booked prior to customers leaving the premises.

The existing private members club has a condition attached controlling the capacity of the unit to 180, the extension of the use into the second floor would facilitate an increase in this capacity to 238.

The proposed hours of operation of the extended use would remain the same as the existing use which are conditioned from 07:00 till 00:00 Monday to Thursday, 07:00 till 00:30 Friday, Saturday (and Sundays before a Bank Holiday) and 12:00 till 23:00 on Sundays.

The same conditions are proposed as previously imposed to ensure the unit does not operate a takeaway or home service delivery service which might result in increased vehicular movements.

Whilst it is acknowledged that the existing private members club constitutes a large entertainment premises. The increased number of covers proposed are relatively modest, and the hours of use accord with the City Council 'core hours' and are no greater than the previous consent. It is also noted that no objections have been received to the application from neighbouring occupiers indicating that the existing use is operating without causing any issues, indeed, letters of support have been received to the application from both local residents and businesses. Subject to the same conditions as previously imposed, including that any music being played in the premises is not audible externally or within adjacent premises and a condition requiring the use to be carried out in accordance with the OMP, it is considered the proposal would not have a detrimental impact on the character and function of the area or on residential amenity.

A high level extract duct has been installed and is conditioned to be retained. The applicant has confirmed that no extraction is required for the kitchen area at second floor level which would be for food preparation only. Any cooking would take place in the basement kitchen which is linked to the existing high level extract duct.

**8.2 Townscape and Design**

No external alterations are proposed.

**8.3 Residential Amenity**

The rear windows of the second floor level are to be etched glass to ensure there is no potential for overlooking of neighbouring residential occupiers, specifically the single family dwelling to the rear at 21 Grafton Street and a condition is imposed to retain this, and for the windows to be fixed shut.

**8.4 Transportation/Parking**

Whilst the extended club use might result in some additional servicing, the club is already serviced from the street and this does not appear to be causing any adverse issues. The existing office use currently has servicing requirements and therefore the result of the application is likely to be neutral with regard to servicing vehicle movements. An Operational Management Plan (OMP) has been provided for the extended club use which sets out how servicing trips would be managed. The Highways Planning Manager considers this to be acceptable and is to be secured by condition.

**8.5 Economic Considerations**

Any economic benefits generated by the proposal are welcomed.

**8.6 Access**

The second floor is linked to the lower floors by a lift and an internal staircase.

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

### Refuse /Recycling

The second floor plan clearly indicates the provision of waste and recycling storage facilities and this is considered acceptable by the Waste Project Officer subject to a condition to ensure its provision and retention as shown on the approved drawing.

### Other

A number of letters of support have been received stating that the club has had a positive impact on increased vitality in the street and the benefits to surrounding businesses. These comments are noted and it is accepted a 'destination' use is likely to result in improved viability for other businesses in the vicinity which are more reliant on passing footfall for their trade.

## **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, the draft plan has been revised and formal consultation is now being carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019. In the case of a draft local plan that has been published for consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, including a second revision Regulation 19 plan, it remains at a pre-submission stage (i.e. has yet to be submitted to the Secretary of State for Examination in Public) and therefore, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

## **8.9 Neighbourhood Plans**

The examiner's report on the Mayfair Neighbourhood Plan was published on 11 June 2019 with recommendations. The City Council intends to accept all these recommendations and proceed to a local referendum. The publication of the examiner's report means that the Mayfair Neighbourhood Plan is now a material consideration for making planning decisions in the area. However, it will not have full development plan weight until the referendum process has been properly completed.

## **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.

Item No.
<b>1</b>

**8.12 Planning Obligations**

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

**8.13 Environmental Impact Assessment**

Not relevant to a scheme of this scale.

**8.14 Other Issues**

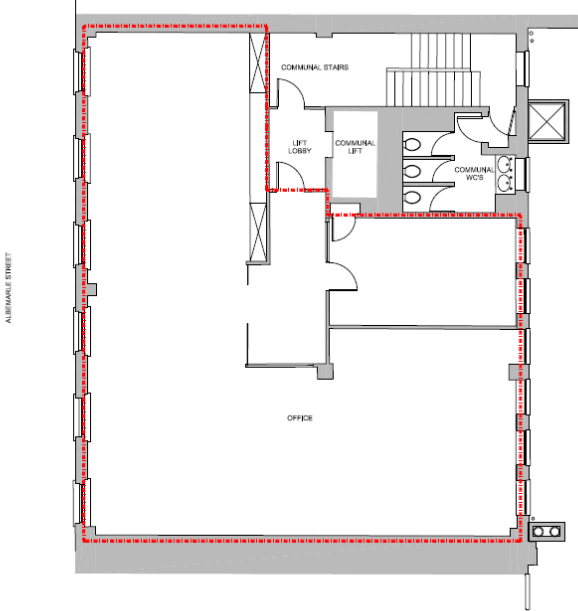
Not applicable.

(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: JO PALMER BY EMAIL AT <a href="mailto:jpalme@westminster.gov.uk">jpalme@westminster.gov.uk</a>
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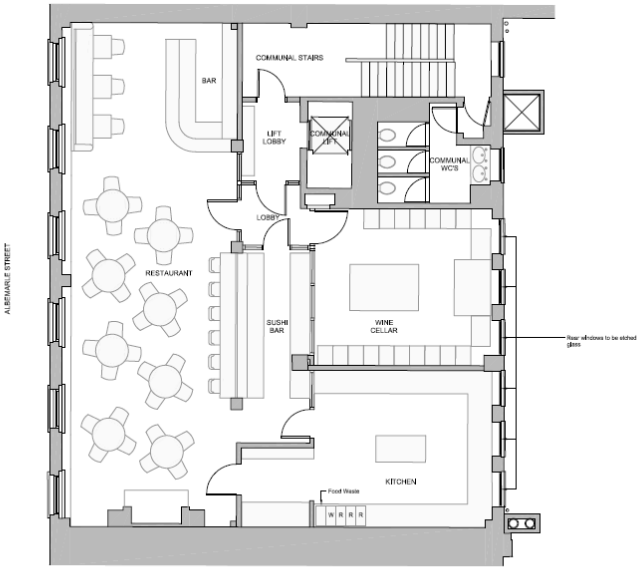
**9. KEY DRAWINGS**

Existing Second Floor Plan:



① Existing Second Floor GA Plan  
Scale: 1/8"=1'-0"

Proposed Second Floor Plan:



① Proposed Second Floor GA Plan  
Scale: 1/8"=1'-0"



**DRAFT DECISION LETTER**

**Address:** Second Floor, 25 - 26 Albemarle Street, London, W1S 4HX,

**Proposal:** Dual / Alternative use of the second floor as either office accommodation (B1) c private members' club use (sui generis) in connection with the existing private members' club on basement, ground and first floor levels.

**Reference:** 19/03570/FULL

**Plan Nos:** Operational Management Plan (Oswald's Private Members' Club) Drawing: 152 20-3-0120 RevP5.

**Case Officer:** Matthew Giles

**Direct Tel. No.** 020 7641 5942

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

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

Reason:

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

- 2 You must not sell any take-away food on the premises, even as an ancillary part of the primary Class A3 or private members' club use.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE10 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 3 You must not play live or recorded music within the private members' club that will be audible externally or in the adjacent properties.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

- 4 You must not carry out any primary cooking, including the cooking of raw or fresh food, at second floor level.

Reason:

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

5 You must not open the private members' club to customers, and you must not allow customers on the premises, outside the hours: 07.00 to midnight Monday to Thursday, 07.00 to 00.30 Friday, Saturday and Sundays before a Bank Holiday; and, 12.00 to 23.00 on Sundays.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE10 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

6 The extended private members club use must be operated in accordance with the Operational Management Plan; 'Oswald's Private Members' Club' dated June 2019.

Reason:

To protect neighbouring residents from noise nuisance, as set out in S24, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R13EC)

7 You must not allow more than 238 customers into the whole of the extended private members club at any one time.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE10 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

8 The glass in the second floor windows of the rear elevation must not be clear glass and these windows must be kept closed at all times. You must make the appropriate changes to the rear second floor windows before you can occupy the second floor as the extended private members club and you must not change the glass without our permission.

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)

9 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 1522- P-20-3-0120 Rev P5. You must clearly mark them and make them available at all times to everyone using the premises. (C14FB)

Reason:

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

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, 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 Part 3, Class E of Schedule 2 to the Town and Country Planning (General Permitted Development Order) 1995, the second floor of the property can change between the B1 and sui generis use we have approved for 10 years without the need for further planning permission. However, the actual use 10 years after the date of this permission will become the authorised use, so you will then need to apply for permission for any further change.

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 6

Item No.
<b>2</b>

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 16 July 2019	<b>Classification</b> For General Release	
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> Knightsbridge And Belgravia	
<b>Subject of Report</b>	<b>15 Lancelot Place, London, SW7 1DR</b>		
<b>Proposal</b>	Variation of condition 1 of planning permission dated 23 February 2016 (RN: 15/09276/FULL) for the: Demolition of the existing buildings, redevelopment of site comprising two buildings at ground and two upper levels and excavation of part two/ part three storey basements, to create 1 x 5 bedroom unit and 2 x 1 bedroom units with associated roof gardens and terraces, car parking and cycle parking (site includes 15 Lancelot Place and 1 Trevor Walk). Namely, to allow the addition of walk-on rooflight to the rear courtyard of the southern building, replacement of three rear elevation windows with a single larger window, provision of higher balustrade to the north building, raising of the main roof to both buildings, removal of green roofs to first floor, installation of satellite dish, provision of a lift overrun to the south building, reduced height of lift overrun to the north building, alterations to facades, provision of lift pits, internal layout changes, and associated works.		
<b>Agent</b>	Avison Young		
<b>On behalf of</b>	Karnforth Investments Ltd		
<b>Registered Number</b>	19/03222/FULL	<b>Date amended/ completed</b>	26 April 2019
<b>Date Application Received</b>	26 April 2019		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Knightsbridge		

## 1. RECOMMENDATION

Grant conditional permission.
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## 2. SUMMARY

The application relates to a development site at 15 Lancelot Place and 1 Trevor Walk. On 23 February 2016, the City Council granted planning permission for the demolition of these buildings and the redevelopment of site to provide two buildings over ground and two upper levels and excavation of
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part two/ part three storey basements, to create a five bedroom house and two one bedroom flats with associated roof gardens and terraces, car parking and cycle parking. Work has begun on implementing this permission, and the applicant has already demolished the buildings.

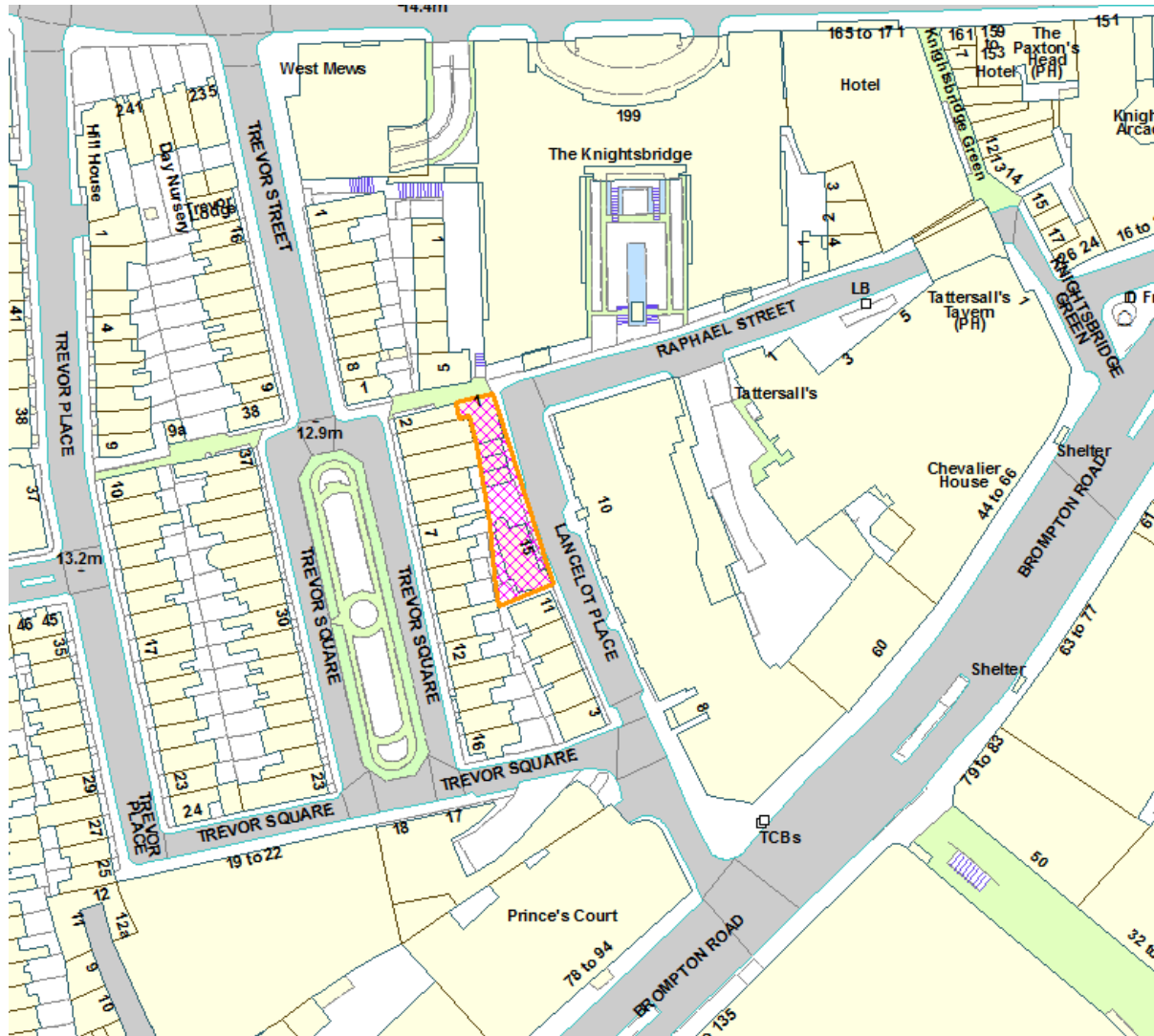
The applicant seeks to vary condition 1 of the permission to allow amendments including the addition of a walk-on rooflight in the rear courtyard of the southern building, replacement of three rear elevation windows with a single larger window, the provision of a higher balustrade to the north building, raising of the roof to both buildings, the removal of green roofs to the first floor, installation of a satellite dish, provision of a lift overrun to the south building, a reduction in height of the lift overrun to the north building, alterations to facades, provision of lift pits, internal layout changes and associated works.

The key issues in this case are:

- the impact of the amendments on the character and appearance of the area, including the adjacent Knightsbridge Conservation Area and listed buildings on Trevor Square; and
- the impact of the amendments on the amenity of neighbouring residential occupiers.

For the reasons set out in this report, the proposed amendments accord with relevant policies within the Unitary Development Plan adopted in January 2007 (the UDP), Westminster's City Plan adopted in November 2016 (the City Plan) and the Knightsbridge Neighbourhood Plan adopted in December 2018 (the KNP). As such, officers recommend planning applications sub-committee grant planning permission, subject to the conditions set out in the draft decision letter.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



Site Prior to Demolition of the Buildings



Computer Generated Image of the Approved Scheme



## 5. CONSULTATIONS

### KNIGHTSBRIDGE NEIGHBOURHOOD FORUM:

The applicant has not acknowledged or addressed the Knightsbridge Neighbourhood Plan. The Forum welcomes the proposed reduction in the highest point of this development but is concerned that strong policies in favour of green infrastructure, biodiversity and long environmental sustainability seem to have been ignored. Given this, the Forum objects to the proposed loss of important environmental measures that were essential mitigation and adaptation aspects of the previously approved application.

### KNIGHTSBRIDGE ASSOCIATION:

The Association welcomes the reduction in the obtrusive highest point of the approved development and would like not to see height added elsewhere. The proposed new lift overrun may take daylight/sunlight from some of the lower apartments at 10 Lancelot Place and/or have a negative effect on neighbouring properties when compared to the original application. We are also concerned that the proposal for one large fenestration at first floor (in lieu of 3 small windows) could also have a negative effect when compared to the original application.

The applicants seem to be unaware of the Knightsbridge Neighbourhood Plan and its policies adopted in December 2018, for example with regard to Policies KBR9, Roofscapes and balconies and KBR10 Urban greening. The current application should not remove important environmental and amenity benefits from the site and local area that were included in the previous permission. The Association objects for these reasons.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 290

Total No. of replies: 11 (Objections)

Neighbouring residents and other interested parties object to the proposal the following summarised grounds:

#### Residential Amenity:

- The lift alterations and other amendments would result in an increase in the height of the building, and this would harm neighbours in terms of enclosure or loss of light;
- The increase in height of the balustrade for the roof terrace (because the originally proposed balustrade did not comply with building regulations) would harmfully increase the bulk of the building – and the architects would have known the originally proposed balustrade was not compliant with building regulations;
- A daylight and sunlight assessment has not been carried out;

#### Design:

- The satellite dish on the roof would harm the appearance of the building;
- There would be a loss of greening, harming the appearance of the building and increasing an urban heat effect;
- The increased height and bulk of the building will harm its appearance and the area;

**Air Quality:**

- The increase height of the building would trap more pollution within the street;

**Excavation:**

- Since the previous permission was granted, the City Council adopted the basement policy;
- Additional excavation for the lift pits is contrary to the City Council's basement policy;

**Other:**

- The previous application, granted under the previous City Council planning regime, allowed buildings of excessive height;
- Most properties do not have lifts and could set a precedent for other properties;
- The floor to ceiling heights within the property are large than normally is proposed/ allowed; reducing these could allow for the other amendments which needing to increase the building's height; and
- Do not want to see additional applications for amendments, it takes time to object to them.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

The application relates to a development site at 15 Lancelot Place and 1 Trevor Walk. These were unlisted buildings located outside of a conservation area that have recently been demolished.

The pre-existing buildings dated from the mid-1990s and comprised two single family dwelling houses. These buildings were built in brick, with tile roofs and timber sash windows.

The immediate townscape is of a mixed character and scale. The conservation area and listed buildings to the west are in residential use, with buildings mainly dating from the early/mid-nineteenth century. To the east and south-east the scale of the development is substantially different, with larger buildings providing a mix of uses in predominately late twentieth century buildings. Adjoining to the south is the development site at 3-11 Lancelot Place, formerly these were brick built 1950s houses that have recently been demolished following a permission to construct new homes on this site. The City Council is currently considering an application to amend the design of these planned houses.

### **6.2 Recent Relevant History**

On 23 February 2016, the City Council granted planning permission for the demolition of the existing buildings, redevelopment of site comprising two buildings at ground and two upper levels and excavation of part two/ part three storey basements, to create 1 x 5 bedroom unit and 2 x 1 bedroom units with associated roof gardens and terraces, car parking and cycle parking. Work has now begun.

*Non-Material Amendments:*

On 21 September 2018, the City Council granted non-material amendments to the 2016 permission to allow the rewording of Condition 8.

On 11 January 2019, the City Council granted non-material amendments to the 2016 permission to allow non-material changes to facades and the internal layout.

*Approval of Details:*

On 8 March 2017, the City Council approved details of highway alterations pursuant to condition 19 of the 2016 permission.

On 19 November 2018, the City Council approved details of a Construction Management Plan pursuant to condition 8 of the 2016 permission.

On 7 February 2019, the City Council approved details of an alternative Construction Management Plan pursuant to condition 8 of the 2016 permission.

*Certificate of Lawfulness:*

On 13 December 2018, the City Council issued a certificate to confirm the existing buildings and other site works had been carried out, thereby confirming the development allowed by the 2016 permission had lawfully begun.

**7. THE PROPOSAL**

The applicant seeks to vary condition 1 of the 2016 permission (as subsequently revised by the non-material amendments outlined above) to allow the following amendments:

- increase in height of main north and south building roofs by 0.11 metres and increased set back of 0.3 metres;
- reduction in height of lift overrun to north building of 1.25 metres;
- installation of new lift overrun to south building 0.64 metres above roof level;
- increase in height of the approved glass balustrade around the roof terrace to north building of 0.34 metres;
- reduction in excavation associated with the pool of 38.7 cubic metres;
- increase in excavation to provide lift pits of 12.8 cubic metres;
- addition of rooflight in the rear courtyard of the southern building at ground floor level;
- green roofs removed at first floor level;
- installation of satellite dish to north building;
- design alterations to the facades including alterations to rear elevation windows, replacing three windows with one larger window;
- other associated works.

The applicant has begun the development approved in 2016, as confirmed by the Certificate of Lawfulness issued by the City Council on 13 December 2018. The matters under consideration in this application relate solely to the changes applied for, given that the 2016 scheme can lawfully be built out.

**8. DETAILED CONSIDERATIONS**

## 8.1 Land Use

The application does not propose any changes to the use of the land, number of residential units or the size of the units. Therefore, there are no land use implications.

## 8.2 Townscape and Design

UDP policies DES 1 (urban design / conservation principles), DES 5 (alterations and extensions) and DES 6 (roof level alterations and extensions) are the most relevant design policies to this application. Given the site is close to the Knightsbridge Conservation Area and the grade II listed buildings on Trevor Square, policies DES 9 (conservation areas) and DES 10 (listed buildings) also apply to the consideration of this application. Policies S25 and S28 of the City Plan provide the strategic planning policies relevant to design. Neighbourhood plan policies KBR 1 (character, design and materials), KBR9 (roofscapes and balconies) and KBR 10 (urban greening) are the relevant design policies in the KNP.

Objections have been received in relation to the increased height/bulk of the roofs, installation of a satellite dish, removal of the first floor green roofs and other design changes which objectors consider would harm the appearance of the building and wider area.

The increase in height to the main roofs of the north and south building would be very modest at just 0.11 metres, this increase is accompanied by a larger set back of 0.3 metres. This modest alteration would not be highly noticeable for those within adjoining properties or the public realm. Moreover, the reason the applicant proposes this modest increase is so the roof can store more rainwater on it and so it can then slowly release that rainwater into the drainage system (a 'Blue Roof') and this type of sustainable urban drainage feature is encouraged by the development plan, including KNP policy KBR 39. On top of this 'Blue Roof' system would be a growing substrate to allow vegetation to grow, i.e. a 'Green Roof'. This would mean the top of the roof would appear like the approved roof in that it would still include vegetation, but it would be modestly higher to incorporate the sustainable urban drainage system.

The applicant proposes to increase the height of the glass balustrade around the approved roof terrace on the north building from 0.76 metres high to 1.1 metres high. This is because a balustrade of 0.76 metres in height would not comply with building regulations for edge protection (to prevent falling). Objectors note that this ought to have been known by the original architects (which is of course is correct), however the issue of concern in the application is whether this additional height would have an acceptable impact or not. The increase is modest at 0.34 metres, the balustrading is clear glass and it is set away from the edges of the roof. In these circumstances the impact of this alteration would be minor.

The applicant also proposes a satellite dish adjacent to the roof terrace. While the applicant has demonstrated it would not be visible from public vantage points, it would be visible from some private views and some of the neighbours have objected to this. Equipment on roofs is undesirable visually but building occupants often require equipment for telecommunication purposes. The UDP acknowledges this in policy DES 6, adding any impact should be minimised. In this case, the dish is set well away from the edges of the roof, and it would not be overly large.

The applicant has explained that it is not possible to install two of the smaller originally proposed green roofs at first floor level. This is because they are too small to allow for the required gutter around them, and so cannot be built as the original architects had drawn them. This is regrettable, however, it should be noted that the area forms a very small part of the overall roof and so would not lead to a significant loss of greening overall.

In terms of the lift overruns, the applicant proposes to reduce the height of the north building lift overrun but introduce a new lift overrun on the south building. Lift overruns can detract from the appearance of the buildings, and so should be minimised. The reduction to the north building's overrun would improve its appearance, and the new lift overrun would detract from the appearance of the south building. Still, they would not be visible from the public realm and, on balance, would have a similar impact as the single larger lift overrun already approved.

The other design alterations, including the provision of a ground floor rooflight within a courtyard, the replacement of three rear windows with a single larger window, and other fenestration and façade alterations would have a minor impact on the appearance of the building.

In combination, these amendments would have an acceptable impact on the appearance of the building. They are minor in nature and, whilst material, would not increase the impacts that this development would have on the setting of the adjacent listed buildings or conservation areas, nor would they degrade the architectural quality of the approved scheme, subject to the conditions set out in the draft decision letter.

### **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 that enhances the residential environment of surrounding properties.

Objections have been received on the grounds the proposal would harm neighbours in terms of loss of light and increased sense of enclosure because of the increased height of the roof and clear glass balustrade. An objector has also raised concern that no daylight and sunlight assessment was carried out.

As explained in section 8.2 of this report, the increased roof height is modest and includes an additional set back, and the increase in balustrade height is also modest, is in clear glass and is away from the edge of the roof. The lift overrun to the south building is the largest new element, but again is set back from the edges of the roof and is a relatively modest in height for a lift overrun.

The proposals would not result in a noticeable increase in a sense of enclosure, particularly considering the distance to the nearest residential occupiers, nor would it result in harmful losses of light over the approved scheme. The applicant's daylight and sunlight consultant has written to explain they do not consider there to be any significant impact, and officers concur. Furthermore, the proposed building continues to be significantly smaller than 10 Lancelot Place opposite and comparable to, or smaller than, those on Trevor Square.

The other main change which would potentially impact amenity is the replacement of three windows at second floor level with a single window. The window serves a dressing room and as such it is considered reasonable to condition that the window is obscure glazed so as not to increase any sense of overlooking to the Trevor Square properties to the rear.

In all other respects, and subject to the conditions set out in the draft decision letter, the application is acceptable in amenity terms.

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

The amendments proposed do not have transportation or parking implications.

#### **8.5 Economic Considerations**

Any economic benefits generated are welcome.

#### **8.6 Access**

The amendments do not alter access arrangements.

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

##### **Excavation**

Since the 2016 permission, the City Council has adopted City Plan policy CM28.1 which relate to new basements. This policy limits the depth of basements which may affect residential amenity during their construction to a single storey. Consequently, were the basements permitted in 2016 proposed today, they would be contrary to this policy and this is an issue which has been raised by objectors. Whilst this is understandable, as explained in section 7 of this report, the applicant has lawfully implemented the 2016 permission and so it is outside of the scope of this application to re-consider the principle of these basements. This application can only consider the amendments to the excavation.

Objectors have raised concern that the amendments would result in additional excavation. In 2016 the original architects did not show the excavation necessary for the lift pits, and so the applicant now seeks permission for these lift pits. This would modestly increase excavation by 12.8 cubic metres, but this would be more than offset by the 38.7 cubic metre decrease in excavation associated with the pool. Consequently, there would in fact be less excavation because of these amendments. Therefore, there would not be an increase in harmful construction impacts and this would accord with the aims of policy CM28.1 as well as KNP policy KBR22.

#### **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, the draft plan has been revised and formal consultation is now being carried

out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019. In the case of a draft local plan that has been published for consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, including a second revision Regulation 19 plan, it remains at a pre-submission stage (i.e. has yet to be submitted to the Secretary of State for Examination in Public) and therefore, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this 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.

These amendments do not change the 2016 CIL liability.

**8.13 Environmental Impact Assessment**

Not relevant to this application.

**8.14 Other Issues**

**Air Quality**

An objector considers the increased building height would trap more pollution within the street. Given the increase is modest, any effect would be negligible.

**Previous Permission**

Objectors consider the previous application allowed a building of excessive scale. It is outside of the scope of this application to consider the acceptability of the previous scheme given it is lawful to complete it.

**Floor to Ceiling Height**

Objectors consider the floor to ceiling heights should be reduced as these are overly generous. As set out above, the amendments accord with the relevant policies in the development plan and therefore it would be unreasonable to refuse the application on this basis.

**Number of Applications**

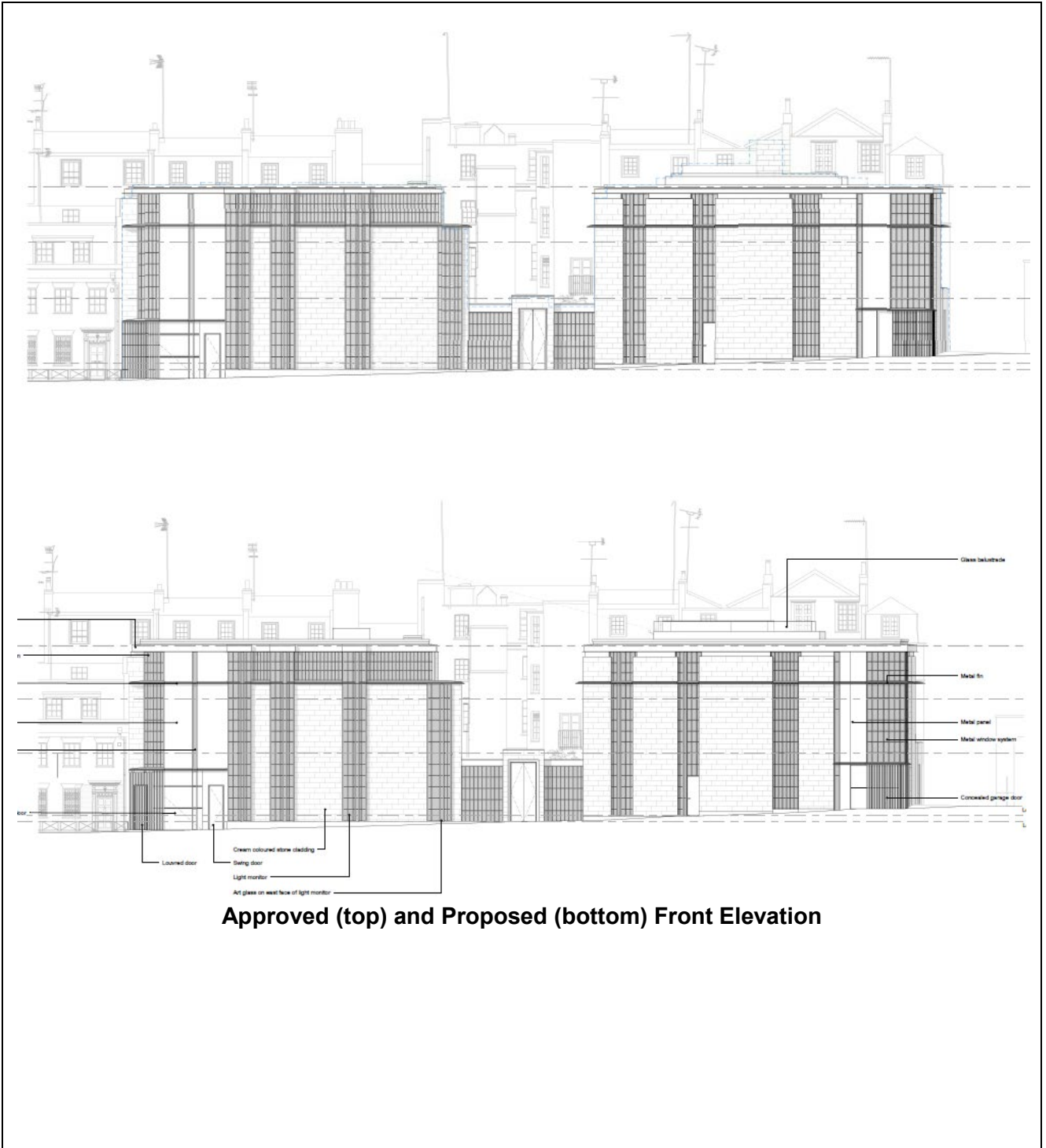
An objector has raised concern regarding the number of applications which they receive notification about and object to. The City Council is required to consider all applications submitted to it and is required to consult residents on the applications.

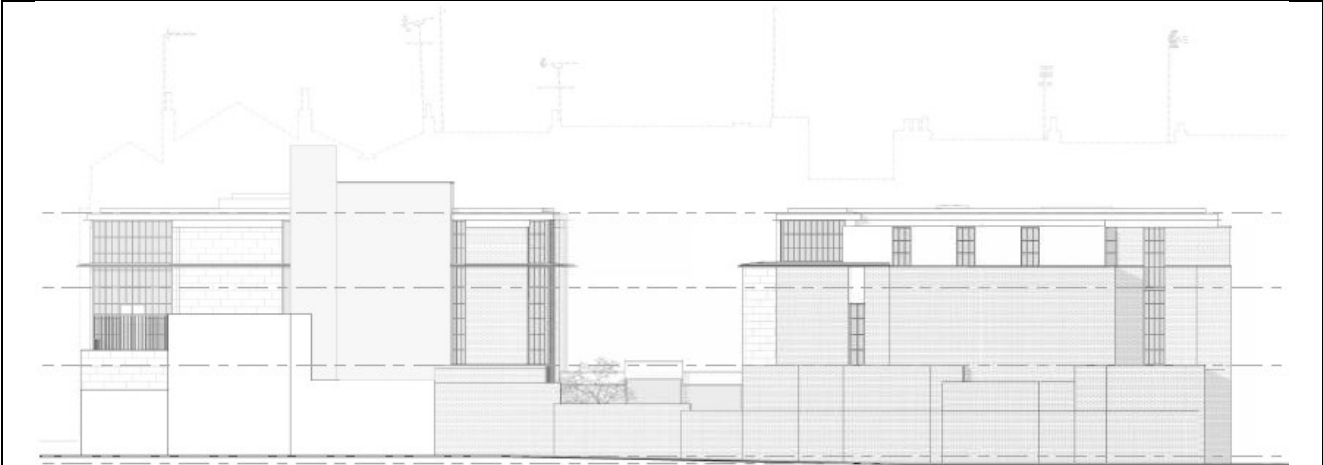
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

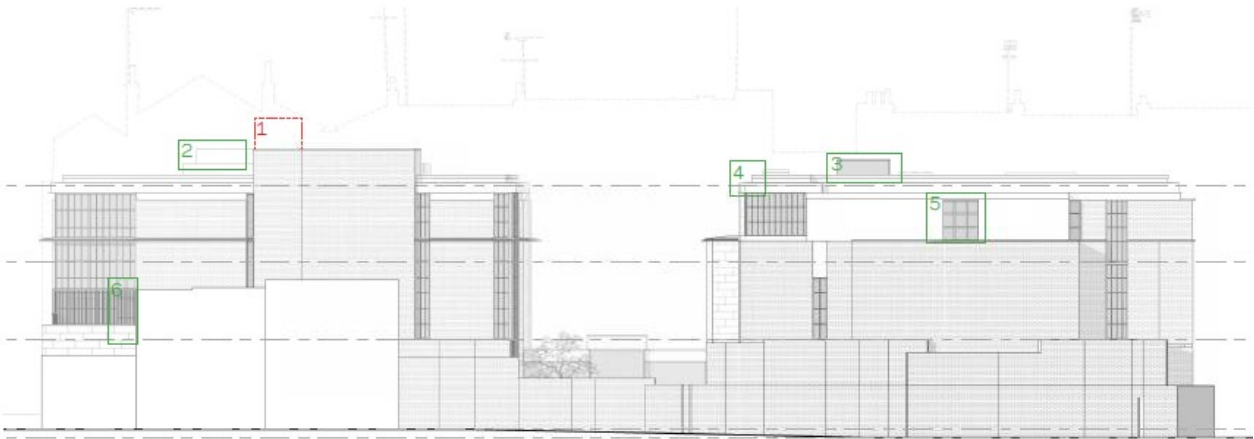


9. KEY DRAWINGS



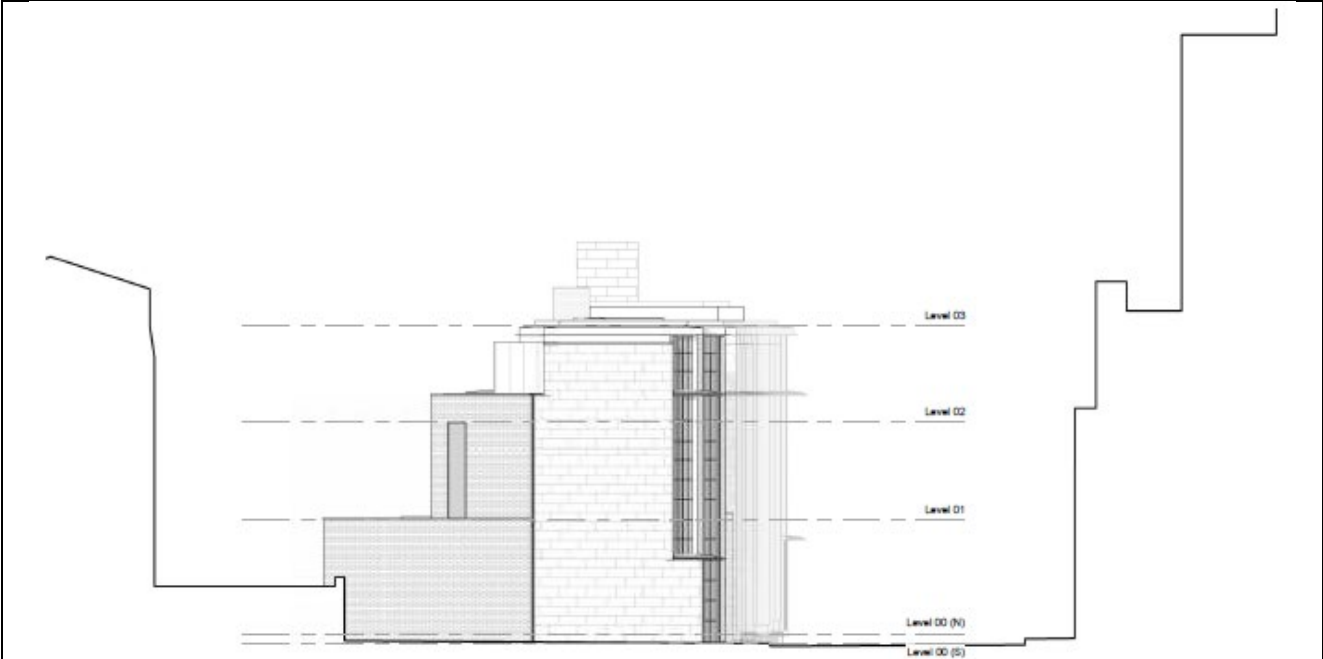


West Elevation as approved

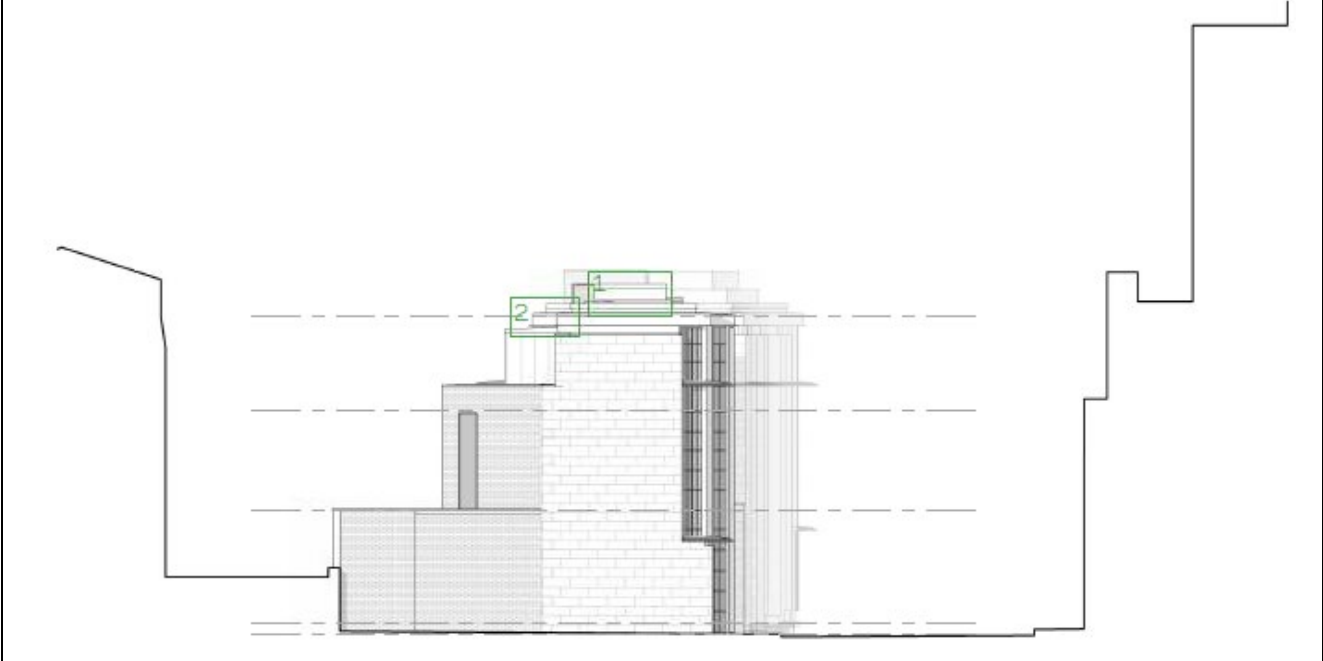


Proposed West Elevation

Approved (top) and Proposed (bottom) Rear Elevation



**Amended South Elevation (Formation Architects Application - Ref. 18/10267/NMA)**



**Proposed South Elevation**

**Approved (top) and Proposed (bottom) Side Elevation**

**DRAFT DECISION LETTER**

**Address:** 15 Lancelot Place, London, SW7 1DR

**Proposal:** Variation of condition 1 of planning permission dated 23 February 2016 (RN: 15/09276/FULL) for the: Demolition of the existing buildings, redevelopment of site comprising two buildings at ground and two upper levels and excavation of part two/ part three storey basements, to create 1 x 5 bedroom unit and 2 x 1 bedroom units with associated roof gardens and terraces, car parking and cycle parking (site includes 15 Lancelot Place and 1 Trevor Walk). Namely, to allow the addition of a walk-on rooflight in the rear courtyard of the southern building, alterations to rear elevation windows, provision of balustrade to the northernmost building, raising of roof parapet, removal of green roofs to first floor, satellite dish, provision of a lift overrun on the south of the building, alterations to fascia, provision of lift pits, internal layout changes, and associated works.

**Reference:** 19/03222/FULL

**Plan Nos:** 19/03222/FULL:  
6587 - D2100 rev 08; D2101 rev 08; D2102 rev 08; D2103 rev 08; D2100 rev 08; D2197 rev 08; D2198 rev 08; D2199 rev 09; D2500 rev 08; D2501 rev 08; D2700 rev 07; D2701 rev 08; D2702 rev 07; D2703 rev 07; S73 Design and Access Statement (April 2019); Cover Letter (April 2019).

18/10267/NMA:  
6587- D2100-Rev04; D2101-Rev04; D2102-Rev04; D2103-Rev04; D2197-Rev04; D2198-Rev04; D2199-Rev05; D2500-Rev04; D2501-Rev04; D2700-Rev02; D2701-Rev02; D2702-Rev02; D2703-Rev02.

18/07315/NMA:  
Site Location Plan; Construction Management Plan dated 6 April 2018; Safety, Health & Welfare Policy & Procedures Document; Cover Letter.

18/10689/ADFULL:  
Construction Management Plan; R&R 15 Lancelot Place CMP/ Rev 03/ November 2018; 15 Lancelot Place Access and Egress Vehicle Swept Path Analysis 4 Axle Tipper Drwng No. RR-15LP-001 Rev. 00; 15 Lancelot Place Access and Egress Vehicle Swept Path Analysis Delivery Vehicle Drwng No. RR-15LP-003 Rev. 00; Swept Path Analysis using a 16.633m Low Loader Drwng No. 2017-3229-014; Swept Path Analysis using a Medium Size Tipper Drwng No. 2017-3229-016 Rev -; Swept Path Analysis using a 10m Articulated Vehicle Drwng No. 2017-3229-023 Rev -; Swept Path Analysis using a 8m Flatbed Drwng No. 2017-3229-026 Rev -; Appendix F - Dust and Air Quality Assessment; Air Quality Control - Control of Dust & Emissions During Construction & Demolition.

18/08597/ADFULL:  
Construction Management Plan (Knight Build); Cover Letter.

16/06427/ADFULL:

S106 agreement between Karnforth Investment Limited and the Lord Mayor and the Citizens of Westminster (dated the same date as this decision letter); 150615-01 rev B; 150615-02 rev C; 150615-TK05; WOHR Car Parking Systems Servicing Agreement; Cover Letter.

15/09276/FULL:, Site location plan;; A1.00, 1179: E1, E2, E3, E4, E5, E6 - E7, Building Elevation Positions; Building Elevation Positions E1-E7, Floor Plan Surveys, Drawings dated January 2016: A2.00, A2.01, A2.02, A2.03, A2.04, A2.05, A2.06, A3.00, A3.01, A3.02, A3.03, A3.10, A3.11, A1.40, A1.41, A1.42, A1.43, A1.44, A1.45, A1.46, A1.47, A1.48, A1.60, Covering Letter dated October 2015, Updated Letter 14 January 2016, Planning Statement dated October 2015, Design and Access Statement dated October 2015, Plant Noise Assessment dated 5 October 2015, Arboricultural Impact Assessment dated 5 October 2015, Energy Statement dated 5 October 2015, Daylight and Sunlight Report dated January 2016, Construction Management Plan Rev B dated December 2015.

For Information Only:

Structural Methodology Statement dated October 2015 Rev A, Desk Study and Ground Investigation Report dated September 2015.,

**Case Officer:** Joshua Howitt

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

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

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
  - o between 08.00 and 18.00 Monday to Friday;
  - o between 08.00 and 13.00 on Saturday; and
  - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

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) and STRA 25, TRANS 23, ENV 5 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC),

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007 and policy KBR1 of the Knightsbridge Neighbourhood Plan adopted in December 2018.

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

- (a) windows and doors, including surrounding reveals / abutments (scale 1:5);
- (b) overall building profiles (scale 1:20);

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these drawings. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007 and policy KBR1 of the Knightsbridge Neighbourhood Plan adopted in December 2018.

- 5 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the roof terrace. (C26NA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan

(November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007 and policy KBR1 of the Knightsbridge Neighbourhood Plan adopted in December 2018.

- 6 You must not carry out demolition work unless it is part of the complete development of the site. You must carry out the demolition and development without interruption and according to the drawings we have approved. (C29BB)

Reason:

To maintain the setting of the Knightsbridge Conservation Area as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 9 (B) of our Unitary Development Plan that we adopted in January 2007 and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AC)

- 7 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no building, structure or other alteration permitted by Classes A, B or C of Part 1 or Class C of Part 2 of Schedule 2 of the Order shall be carried out on the application site without the prior written permission of the Local Planning Authority on an application made for that purpose.

Reason:

To protect the privacy and environment of people in neighbouring properties and to protect the appearance of the property and the character of area. This is as set out in S25, S28, S29, S32 of Westminster's City Plan (November 2016) and DES1, ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 8 You must carry out any further demolition in accordance with the arrangements set out in the Construction Management Plan approved by the City Council as Local Planning Authority on 21 September 2018 under application RN: 18/07315/NMA, and you must carry out any construction in accordance with the Construction Management Plan approved 19 November 2018 under application RN: 18/08597/ADFULL or the alternative plan approved 7 February 2019 under application RN: 18/10689/ADFULL, or in accordance with another plan as submitted to and approved by the City Council.

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),

- 9 The obscure glass (as annotated) on the rear elevations shall be maintained as such and you must not change it without our permission.

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)

- 10 You must not use the roof of the building to the south of the site for sitting out or for any other purpose unless we have given you our written approval beforehand. You can however use the roof to escape in an emergency.

Reason:

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

- 11 You must provide the waste store shown on drawing D2100 rev 08 before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the residential units. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

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

- 12 You must provide each car parking space shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people living in the residential part of this development. (C22BA)

Reason:

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



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

Reason:

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

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

Reason:

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

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

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

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

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;

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

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

Reason:

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

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

Reason:

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

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and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise. (R49AA)

- 18 You must apply to us for approval of detailed drawings of a planting scheme which includes the number, size, species and position of trees, shrubs and greening to the walls. 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 planting within one planting season of completing the development (or within any other time limit we agree to in writing)., , If you remove any trees or find that they are dying, severely damaged or diseased you must replace them with trees, shrubs and greening of a similar size and species.

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 16, ENV 17 and DES 1 (A) of our Unitary Development Plan that we adopted in January 2007. (R30AC)

- 19 You must adhere to the arrangements relating to highway alterations and the maintenance and management of the car stacker approved by the City Council as Local Planning Authority on 8 March 2017 under application RN: 16/06427/ADFULL, or in accordance with other arrangements as submitted to and approved by the City Council.

Reason:

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

**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 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)
- 3 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)
- 4 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

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

24 Hour Noise Team  
Environmental Health Service,  
Westminster City Hall,  
64 Victoria Street,  
London,  
SW1E 6QP  
Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

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

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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.

- 7 The sound insulation in each new unit of a residential conversion should meet the standards set out in the current Building Regulations Part E and associated approved documents. Please contact our District Surveyors' Services if you need more advice. (Phone 020 7641 7240 or 020 7641 7230). (I58AA)

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 7

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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 16 July 2019	<b>Classification</b> For General Release	
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> St James's	
<b>Subject of Report</b>	<b>78 St James's Street, London, SW1A 1LF.</b>		
<b>Proposal</b>	<p>Application 1: Installation of additional plant rooms and replacement plant at roof level, creation of an auditorium at the lower ground floor level together with the in-fill of the atrium space to provide access to the upper floors of the building. Associated alterations to Little St James's Street entrance.</p> <p>Application 2: Alterations at roof level including the installation of plant rooms and the creation of a pavilion rooftop extension and terrace area, along with other alterations including creation of an auditorium at the lower ground floor level together with the in-fill of the atrium space to provide access to the upper floors of the building. Associated alterations to Little St James's Street entrance.</p>		
<b>Agent</b>	Miss Katharine Bramson, DP9		
<b>On behalf of</b>	78 St James's Street Unit Trust		
<b>Registered Number</b>	Application 1: 19/02989/FULL 19/02990/LBC Application 2: 19/03873/FULL 19/03874/LBC	<b>Date amended/ completed</b>	17 April 2019
<b>Date Application Received</b>	17 April 2019 – application 1 21 May 2019 – application 2		
<b>Historic Building Grade</b>	II star		
<b>Conservation Area</b>	St James's		

## 1. RECOMMENDATION

Application 1:

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

Application 2:

1. Grant conditional permission and conditional listed building consent.

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

## 2. SUMMARY

The application site comprises the Grade II star listed former Conservative Club, fronting St James's Street, and the linked modern building to the rear (constructed in the early 2000's). The entire building is in office use. The site is located within the Core Central Activities Zone.

The applicant has submitted two applications for works on this site, following the refusal of a large roof extension at this site in February 2019. The first application involves the installation of additional plant rooms to the front and rear of the building, as well as works to the main entrance from Little St James's Street and associated internal alterations. The second application essentially builds on these works to also include a small rooftop extension to provide an office amenity area at sixth floor with associated terrace.

Objections have been received in respect of both schemes, primarily on the grounds of amenity and design/listed building issues.

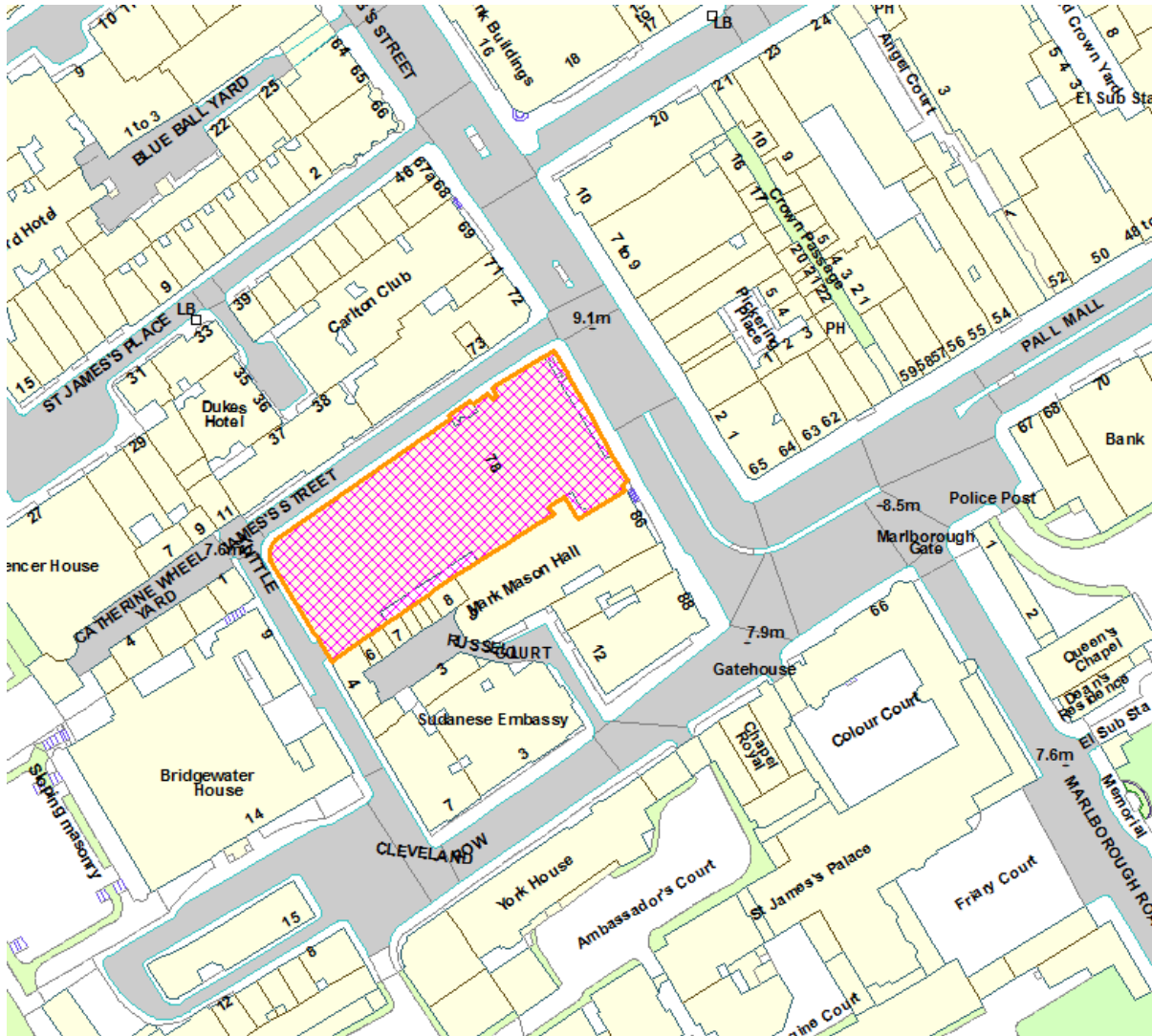
The key considerations in each of these applications are:

- The impact on the Conservation Area, townscape and surrounding listed buildings.
- The impact on the amenity of nearby residential buildings.

As set out in the main report, the alterations at roof level and internally are considered acceptable for each application.



### 3. LOCATION PLAN



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4. PHOTOGRAPHS



## 5. CONSULTATIONS

### Application 1 (plant rooms and associated alterations)

#### HISTORIC ENGLAND

Authorisation to determine as seen fit, in line with local and national guidance.

#### RESIDENTS ASSOCIATION OF MAYFAIR AND ST JAMES'S

No response to date.

#### ENVIRONMENTAL HEALTH

No objection.

#### ADJOINING OWNERS/OCCUPIERS

Number consulted: 74

Number of replies: 1 objection on the following grounds:

##### Design

- No need for additional plant rooms.
- Failure to address the previous reasons for refusal.
- Additional bulk in the most sensitive area of the site.

##### Amenity

- The additional plant room introduces further sense of enclosure to an already poor outlook.
- The acoustic report has failed to identify the nearest affected residential - the rear plant room will affect properties on Little St James's St as well.

##### Other

- The application is a first stage in a multi stage process to gain an additional storey at roof level.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

### Application 2 (roof extension, plant rooms and associated alterations)

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

Any response to be reported verbally.

#### THE ROYAL PARKS

Any response to be reported verbally.

#### HISTORIC ENGLAND

Authorisation to determine in line with national and local guidance.

#### ENVIRONMENTAL HEALTH

No objection.

#### HIGHWAYS PLANNING MANAGER

Generally acceptable however doors should not be opening out over the public highway.

**WASTE PROJECT OFFICER**

Recommends a condition to provide clarification on refuse storage.

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

Number consulted: 132

Number of replies: 2 objections on the following grounds:

**Design**

- The application is not compliant with adopted policies relating to roof extensions, or with the contents of the St James's Conservation Area audit SPG.

**Other**

- Unclear how the property will be cleaned.
- Insufficient detail on the structural report.
- No 'existing roof plan' submitted.
- The refusal of the previous scheme must be a material consideration in the assessment of the submitted application.
- Given how recently the previous roof extension application was refused, the presumption that the planning application is a gateway to a more substantial development on the rooftop is a legitimate planning consideration.

**6. BACKGROUND INFORMATION**

**6.1 The Application Site**

The site is located on the corner of St James's Street and Little St James's Street. It essentially comprises two distinct structures which are linked internally - the Grade II\* listed building fronting St James's Street dating from the 1840s and a former Gentleman's Club, and the rear structure running along Little St James's Street which was added in 2001 pursuant to a planning permission for the site's redevelopment for office purposes.

The building comprises two levels of basement, lower ground, ground and five upper storeys. The current fifth floor extends around half way down the Little St James's Street elevation, having a large set-back and roof terrace.

The site is within Core CAZ and the St James's Special Policy Area.

The surrounding area comprises a mix of commercial and residential uses. There are residential flats immediately opposite the site on the other side of Little St James's Street, as well as to the south and north west. There are other listed buildings in close proximity to the site, including Bridgewater House (Grade I) to the rear of the site, and the Constitutional Club (Grade II) adjacent at 86 St James's Street.

**6.2 Recent Relevant History**

13 December 2001 – permission granted for 'alterations and additions to 74 St James's Street, demolition and rebuilding of 14 and 15 Little St James's Street, all to provide

offices.’ This was a revision to the scheme approved in February 2001, replacing the 7 approved flats at fifth floor level with additional offices. The permission is subject to a legal agreement to secure residential accommodation at 36-38 Old Queen Street and a further minimum of 532 square metres elsewhere in the vicinity. This was later secured as six flats at 61 Pall Mall.

The December 2001 office permission was implemented. The application included the restoration of the listed building as well as the demolition of the rear annex and a 1960s office infill building, to be replaced by the building currently in situ.

26 February 2019 - Sub-Committee refused permission and listed building consent for the erection of a replacement fifth floor extension and new sixth floor extension for use in connection with the existing offices. The reason for refusal was the bulk, height, detailed design and range of visibility and consequent impact on surrounding listed buildings (Spencer House and Bridgwater House).

## **7. THE PROPOSAL**

The existing office building is in the process of being refurbished. The applicants have submitted two applications as follows:

### Application 1:

This application seeks permission for the replacement of air conditioning units and addition of new plant rooms at roof level (to the front and rear of the site), alterations to the main entrance from Little St James’s Street, and other internal alterations including the creation of an auditorium at the lower ground floor level together with the in-fill of the atrium space to provide a reconfigured access to the upper floors of the building.

### Application 2:

This application contains all the alterations described above, but also includes what is described by the applicant as a ‘pavilion’ extension at sixth floor, along with a terrace for use by the office occupiers, whilst the existing railings at 5<sup>th</sup> floor are set back to reduce the extent of the existing terrace.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

No change of use is proposed and the building will continue to be used for office (Class B1) purposes. The applicant intends it to be a multi-let office building as opposed to one single occupier for which it had originally been designed.

Under application 2, the rooftop extension comprises 293 square metres GIA. The additional office floorspace does not trigger the mixed use policy S1 in the City Plan. The additional office floorspace is an appropriate land use within Core CAZ.

### **8.2 Townscape and Design**

Residing on the Corner of St James Street and Little St James's Street, no. 78 is the former Conservative Club, an 1840s grade II star listed building, and a later extension constructed in the early 2000s. The principal listed building was significantly altered in the 1960's with the demolition of the rear wing of the building, including its principal staircase. However more recent developments retained and restored the principal front rooms and roof lantern.

Objections on design grounds have been received in relation to both applications, primarily concerned with the principle of any additional bulk at roof level given the previously refused scheme and sensitive historic nature of the site.

The proposed works are assessed against the National Planning Policy Framework (NPPF), specifically chapter 16, policies S25 and S28 of the City Plan: Strategic Policies (2016), policies DES 1, DES 6, DES 9 and DES 10 of our Unitary Development Plan (2007) and the guidance contained within Westminster's 'Repairs and Alterations to Listed Buildings' and 'Roofs' SPG. There is an adopted St James's Conservation Area Audit (Supplementary Planning Guidance).

#### *Application 1 (plant rooms)*

Proposals include the replacement of air conditioning units and plant rooms at roof level, creation of an auditorium at the lower ground floor level together with the in-fill of the atrium space to provide access to the upper floors of the building.

Internally, works relate predominantly to modern fabric within the recent extensions and would avoid the more sensitive historic fabric, other than modern cladding applied to the atrium/gallery walls. To create a basement level auditorium, a section of 2003 floor construction between the basement and lower ground floor is proposed to be removed, this would alter the internal character of this part of the historic building, but given the fabric is modern and isolated to a less sensitive area, the proposals are not considered harmful. The internal works affect modern fabric and will not harm the significance of the grade II star listed building.

Externally, proposals include the consolidation of the plant towards the eastern end of the site, beyond the historic building. This would result in an increase in height and bulk with the new plant room approximately 2.7m above the level of the mansard style screen. Whilst the extension marginally exceeds the height of the 1840s building, this difference is barely visible from street level, particularly in views along St James's Street, Pall Mall and Little St James's Street. Whilst remaining just as bulky as the previously refused proposal towards the front of the site, there is no extension to the rear - the previously refused scheme was considered far too bulky in views particularly from outside Spencer House and Green Park, to the detriment of the setting of surrounding listed buildings and the host building itself. This proposal does not involve any extension of the office floorplate at either 5th or 6th floor. It is not considered that the works as proposed would be harmful in views from Green Park and would not cause harm to the setting of either the Grade I listed Bridgwater House or Spencer House.

Elevational alterations to Little St James's Street include modifications to the entrance including a new canopy. Affecting the modern extension, the proposals will not diminish the appearance of the building.

The works as proposed are acceptable in design and conservation terms and are not considered to harm the host building or the setting of any nearby listed buildings. They are in accordance with DES1, DES6, DES9 and DES10 of the UDP and S25 and S28 of our City Plan.

*Application 2 (roof extension and plant rooms)*

The application comprises a pavilion roof storey at sixth floor level, along with the plant rooms, internal alterations and entrance alterations as contained in 'application 1'. This application also includes the setting back of the existing 5<sup>th</sup> floor balustrade to reduce the accessible area of terrace at 5<sup>th</sup> floor, along with landscaping those areas of the 5<sup>th</sup> floor roof formerly accessible. At 6<sup>th</sup> floor, the atrium is infilled to provide a glazed lift lobby.

The additional internal works affect modern fabric and will not affect the significance of the listed building.

The roof extension involves a modest increase in height and bulk just to the rear of the historic building which is not considered to affect the significance of the host building. Additionally, the run of glazing to the west elevation of the extension is partially concealed by the existing plant screen at sixth floor. The extension will be faced in stone to match the existing facade and the single window will match existing.

The creation of a terrace at level 6 in place of the plant is not opposed in this context. Given its position and delineation by simple railings, the terrace is unlikely to be readily seen from street level views, and barely discernible from long views from Green Park to the west.

Whilst the extension marginally exceeds the height of the 1840s building, this difference is barely visible from street level, particularly in views along St James's Street, Pall Mall and Little St James's Street.

The previously refused application involved a large roof extension over 5<sup>th</sup> and 6<sup>th</sup> floors and presented a significant increase in bulk to this building when viewed from Green Park and Cleveland Row in particular. Overall, the current proposals are not considered to impair views from Green Park and would not cause harm to the setting of either the Grade I listed Bridgwater House or Spencer House as the proposed works are largely confined to the eastern side of the site.

The works as proposed are acceptable in design and conservation terms and are not considered to harm the host building or the setting of any nearby listed buildings. They are in accordance with DES1, DES6, DES9 and DES10 of the UDP and S25 and S28 of our City Plan.

### **8.3 Residential Amenity**

Policy S29 of the City Plan relates to health, safety and wellbeing, stating that the Council will resist proposals that would result in an unacceptable material loss of amenity. Policy ENV13 of the UDP relates to protecting amenities, daylight and sunlight, and environmental quality. Policy ENV 13 (D) states that the City Council will resist proposals which result in a material loss of daylight/sunlight, particularly to existing

dwellings and educational buildings. Policy ENV 13 (E) goes on to state that developments should not result in a significant increase in sense of enclosure, overlooking, or cause unacceptable overshadowing, particularly on gardens, public open space or on adjoining buildings, whether in residential or public use. Policy ENV 6 seeks to protect noise sensitive properties from noise disturbance. Objectors are concerned that the extension will result in loss of daylight and will be overbearing.

### **Sunlight and Daylight**

The City Council generally has regard to the standards for daylight and sunlight as set out in the Building Research Establishment (BRE) 'Site Layout Planning for Daylight and Sunlight' (as revised 2011). The applicant's consultant, Point 2, has carried out the necessary tests using the methodology set out in the BRE guidelines on residential properties surrounding the site. The assessment considers the impact of the development on the vertical sky component (VSC) and daylight distribution (no sky line) available to windows in these properties. VSC is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the BRE guidelines state that the window will have the potential to provide good levels of daylight. The BRE guidelines state that reductions of over 20% of existing daylight levels are likely to be noticeable.

In respect of sunlight, the BRE guide suggests that a dwelling will appear reasonably well sunlit provided that at least one main window wall faces within 90% of due south and it receives at least a quarter of annual probable sunlight hours (APSH), including 5% of APSH during the winter months. As with the tests for daylighting, the guidelines recommend that any reduction below this level should be kept to a minimum; if a window will not receive the amount of sunlight suggested, and the available sunlight hours is less than 0.8 times their former value, either over the whole year or just in winter months, then the occupants of the existing building will notice the loss of sunlight; if the overall annual loss is greater than 4% of APSH, the room may appear colder and less cheerful and pleasant.

Each application has been subject to a daylight and sunlight assessment in line with the guidance.

The properties tested for daylight and sunlight levels comprise:

- 71-74 Little St James's Street
- 1-2, 4, 5, 6, 11 Little St James's Street
- 1 and 9 Catherine Wheel Yard
- 1-3 and 12 Russell Court,
- 3 Cleveland Row.

#### *Application 1 – plant enclosures*

The plant enclosures effectively increase the height of the structures immediately behind the historic building, directly adjacent to the building immediately to the south. An area of plant is also labelled on the east side of the building, which effectively involves the removal of the existing plant and its replacement with a plant room which is of very similar height to the plant it replaces. It may be perceived as slightly bulkier than the plant it replaces as it will have more of a solid, enclosure like appearance.



There will be no material impact upon either Vertical Sky Component or daylight distribution as a result of the additional bulk at roof level from the larger plant rooms to the east and west of the roof.

*Application 2: rooftop extension and plant enclosures*

The additional bulk from the 6<sup>th</sup> floor extension will be apparent in views from the upper floors of 71-74 Little St James's Street.

There is however, no material impact upon either VSC or daylight distribution as a result of the proposed extension and plant enclosures.

**Sense of Enclosure**

*Application 1 – plant enclosures*

Whilst the plant rooms will be visible and bulkier than the current situation, they are well set back from nearby residential windows. They will be in the line of sight from some upper floors of properties on Little St James's Street and from the uppermost floor(s) of the flats at 73 St James's Street. Whilst the views from windows facing the application site (principally bedrooms and living areas) will change, it is not considered that the additional bulk would be so significant as to cause an undue sense of enclosure to these windows.

*Application 2 – roof extension and plant enclosures*

The additional bulk from the 6<sup>th</sup> floor extension will be apparent in views from the upper floors of 71-74 Little St James's Street. The extension is set back approximately 1.4m from the existing plant screen which will mitigate the impact of the new extension somewhat. The main bulk of the extension is set back approximately 10m from the main street elevation. Given the significant set back from the main elevation and the mitigating effect of the existing plant screen, again, it is not considered that the additional bulk would be so significant as to cause an undue sense of enclosure to these windows. Again, given the set back of the extension from the rear elevation it is not considered that the additional bulk will result in an unacceptable degree of enclosure to other properties to the rear of the site.

**Privacy**

The additional plant rooms proposed in application 1 will not cause any additional overlooking.

The extension proposed under application 2 has a largely glazed elevation facing west. It does not directly overlook residential windows at 71-74 Little St James's Street and is very well set back from any residential windows to the rear of the site.

The existing fifth floor terrace is reduced in size, with the handrail being set back between 1.2 and 2.5 metres from the existing balustrade line to the rear of the building and replaced with an inaccessible landscaped area to the majority of the north and south sides. The accessible area is reduced from 455 square metres to 250 square metres. There is a new terrace proposed at sixth floor, accessible from the extension. The terrace is well concealed from Little St James's Street by the existing plant screen. To the west (rear) it is partially screened by the rearmost plant room. There will be views to the south and limited views to the west. The terrace is however well set back from nearby residential windows to both the rear and south sides of the site. It is

recommended a condition is attached restricting access to 8am to 7pm daily to both terraces to ensure any potential for noise disturbance at unsocial hours is limited.

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

No changes are proposed to the existing on site car parking arrangements – the vehicular access to the basement remains where it is at the rear of the building. The basement cycle store is proposed to accommodate 150 cycle parking spaces, which is sufficient to serve the whole building. This will be secured by condition.

#### **8.5 Economic Considerations**

Any economic benefits generated are welcomed.

#### **8.6 Access**

The alterations to the entrance on Little St James's Street incorporate level access.

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

The City Council's Environmental Health officer has confirmed that for both applications, based on the submitted reports, the plant will comply with the City Council's noise standards for plant in relation to the nearest affected residential windows. The objector to the rear of the site maintains that their window is the closest affected, however, having looked at the measurements in relation to the surrounding windows relative to plant areas, the nearest affected windows are still considered to be those flats at 73 St James's Street, though the objector's windows are only marginally further away. On this basis, the acoustic report for each application is considered to be sound, but in any event, the plant will need to comply with the noise standards as set out in the proposed conditions.

The objectors' comments in relation to the purpose of the additional plant areas are noted, but the applications have to be determined on the information available to us rather than looking at what the intention of the applicant may or may not be.

#### **Refuse /Recycling**

The existing basement contains refuse storage and recycling arrangements including 6 no 1100 litre Eurobins and a rotary compactor. This will be secured by condition.

#### **Sustainability**

The building is likely to meet the 'very good' category as set out in BREEAM non-domestic refurbishment.

#### **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, the draft plan has been revised and formal consultation is now being carried out under Regulation 19 of the Town and Country Planning Act (Local Planning)

(England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019.

In the case of a draft local plan that has been published for consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, including a second revision Regulation 19 plan, it remains at a pre-submission stage (i.e. has yet to be submitted to the Secretary of State for Examination in Public) and therefore, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

### **8.9 Neighbourhood Plans**

There is no neighbourhood plan in place for this area.

### **8.10 London Plan**

This applications raise no strategic issues.

### **8.11 National Policy/Guidance Considerations**

The City Plan and UDP policies referred to in the consideration of these applications 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.

The Council's own Community Infrastructure Levy was introduced on 1 May 2016. The Westminster CIL payable will be approximately £71,357 for application 2 due to the roof extension. This figure is provisional and may be subject to any relief or exceptions which may apply in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

### **8.13 Environmental Impact Assessment**

The application is of insufficient scale to require EIA.

### **8.14 Other Issues**

Objectors raise the point that with both applications, the applicants are potentially 'paving the way' for a more significant roof extension akin to that previously refused. The City Council must determine applications on their own merits in line with the policies of the development plan and other material considerations and we cannot speculate about the motives of the applicant. It is considered that each application when looked at on its merits is acceptable in terms of the City Council's policies. The roof extension is of significantly lesser impact than the previously refused scheme in terms of its bulk and mass and consequent impact upon the settings of nearby listed buildings.

Item No.
<b>3</b>

(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: LOUISE FRANCIS BY EMAIL AT [lfrancis@westminster.gov.uk](mailto:lfrancis@westminster.gov.uk)

9. KEY DRAWINGS

Application 1 (plant rooms)

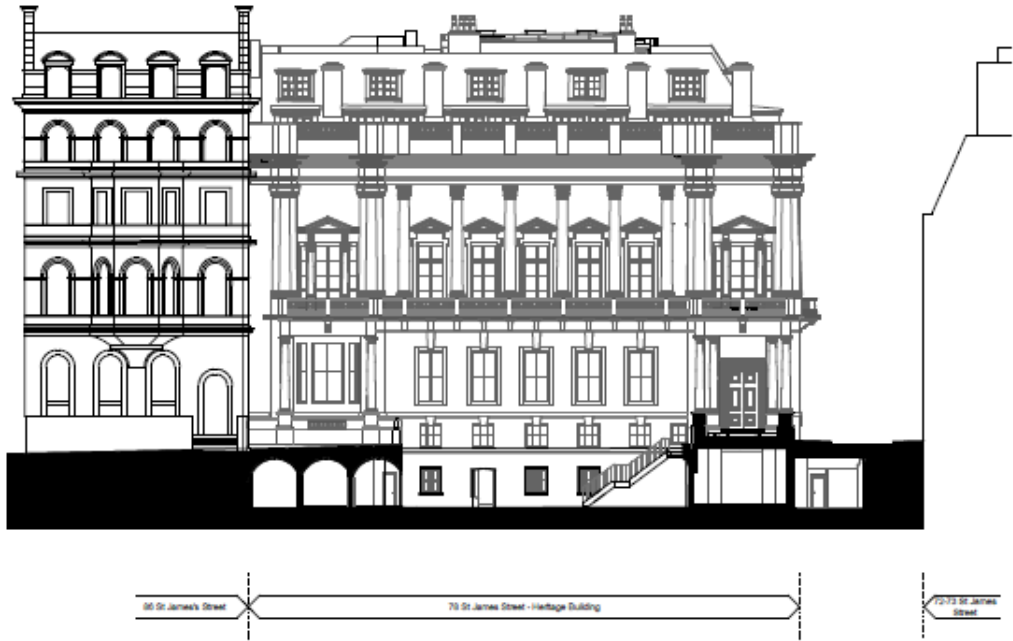


Existing Little St James's Street elevation

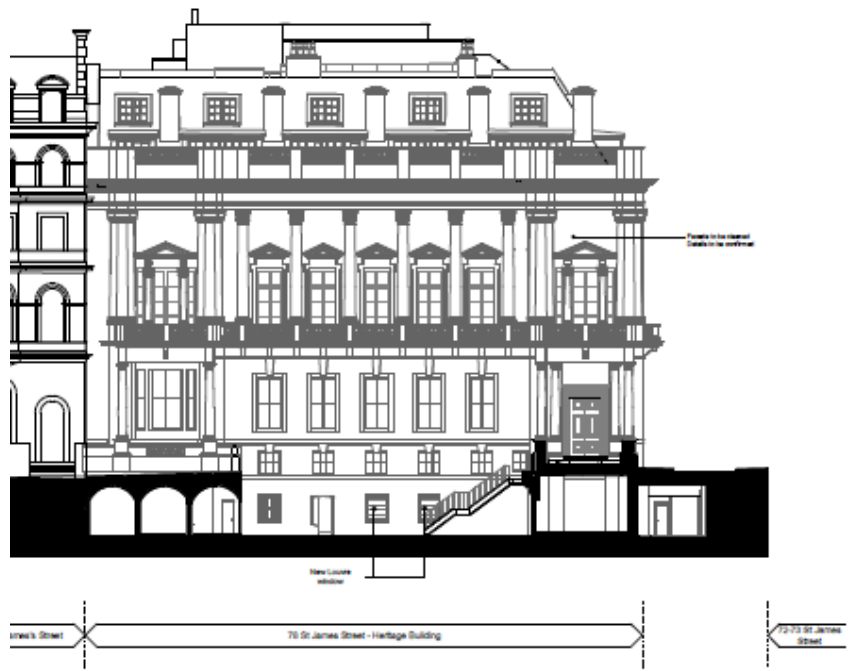


Proposed Little St James's Street elevation

Existing front elevation



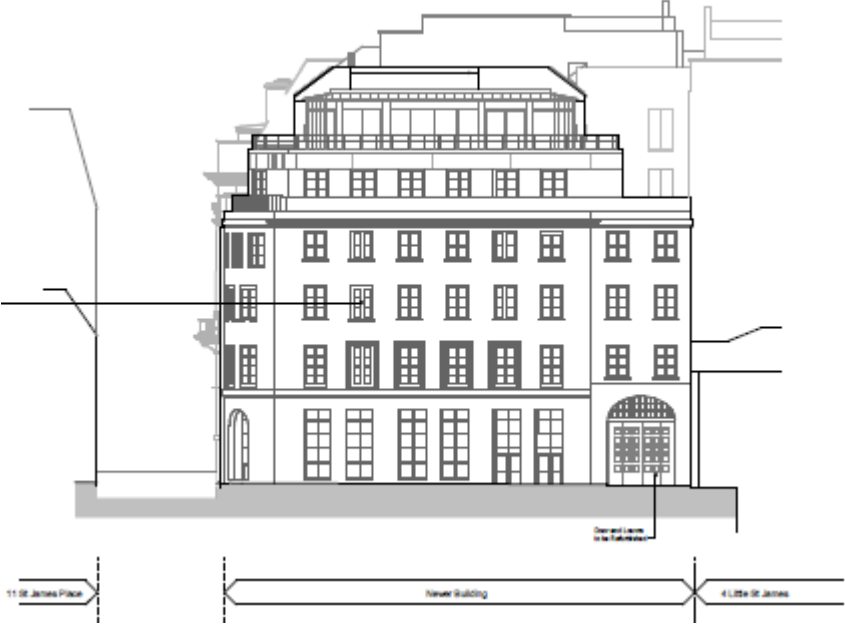
Proposed front elevation (below)



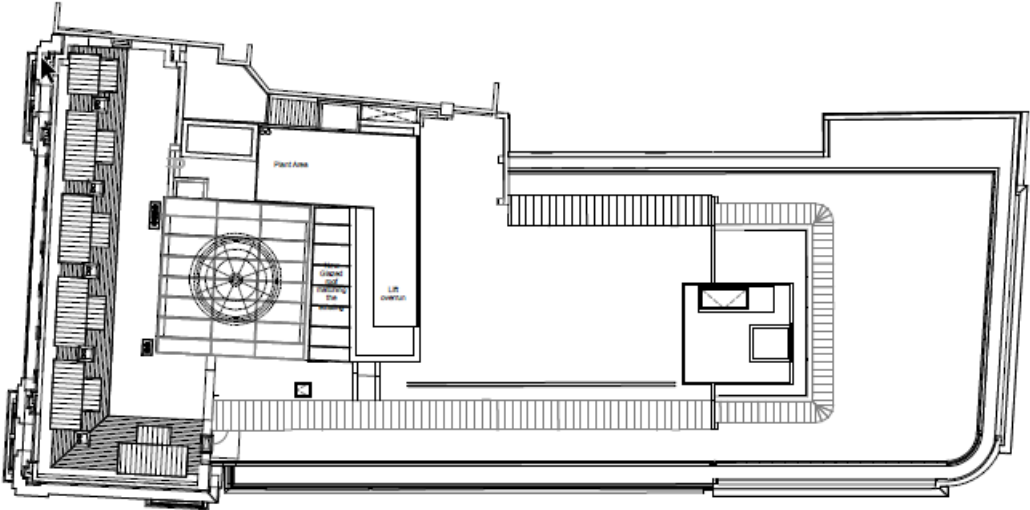
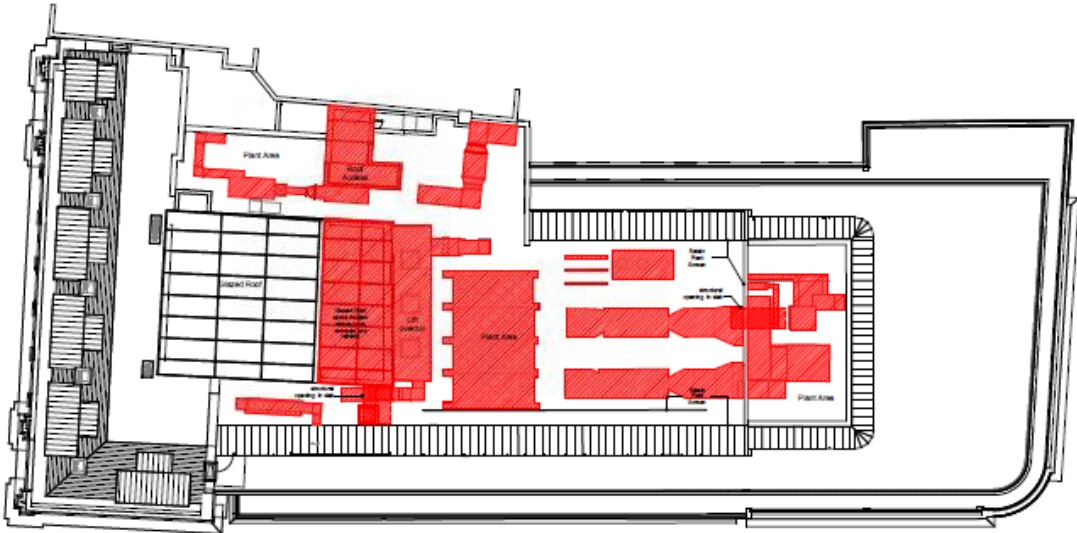


Existing rear (west) elevation

Proposed rear elevation (below)



Existing roof plan showing demolition

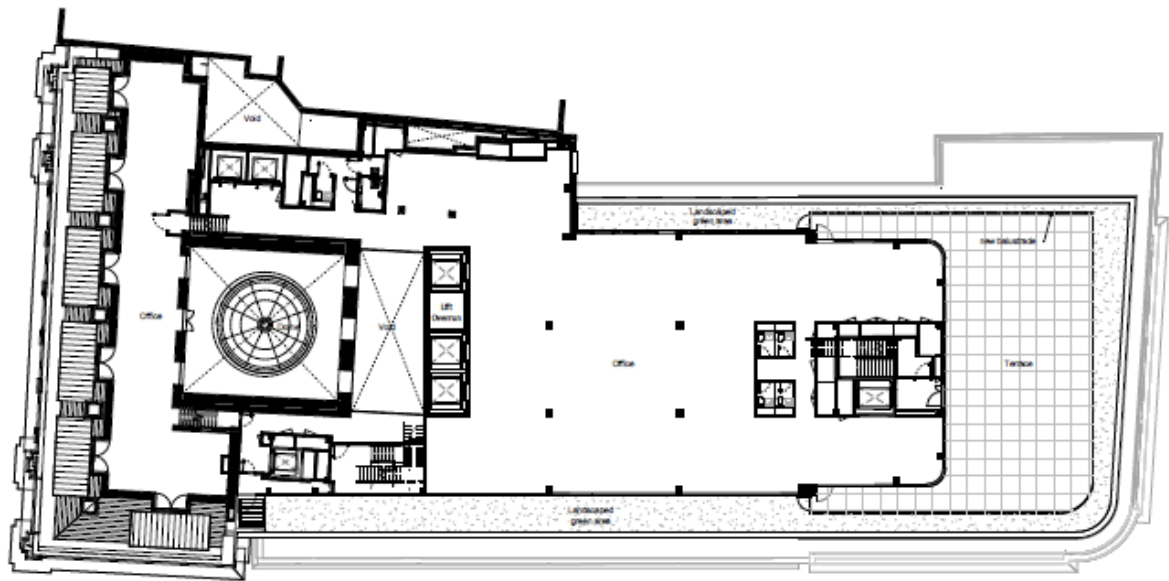
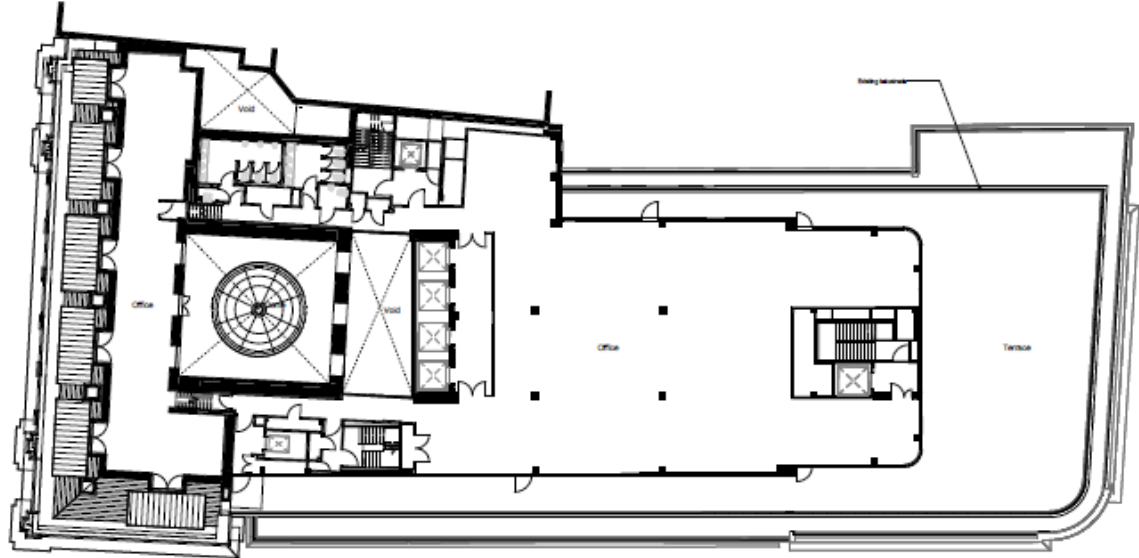


Proposed roof plan



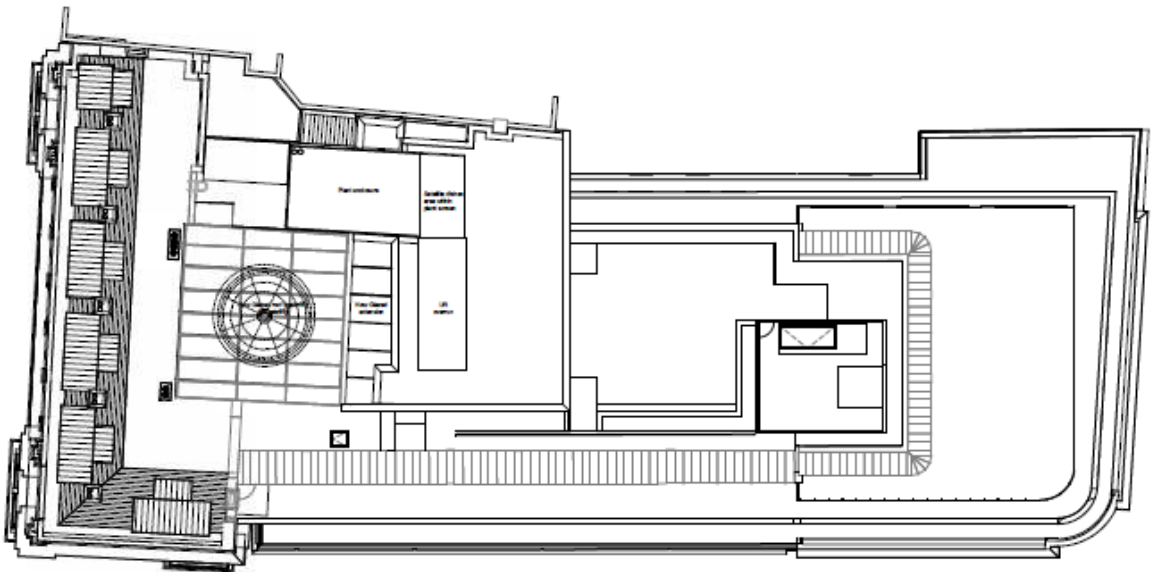
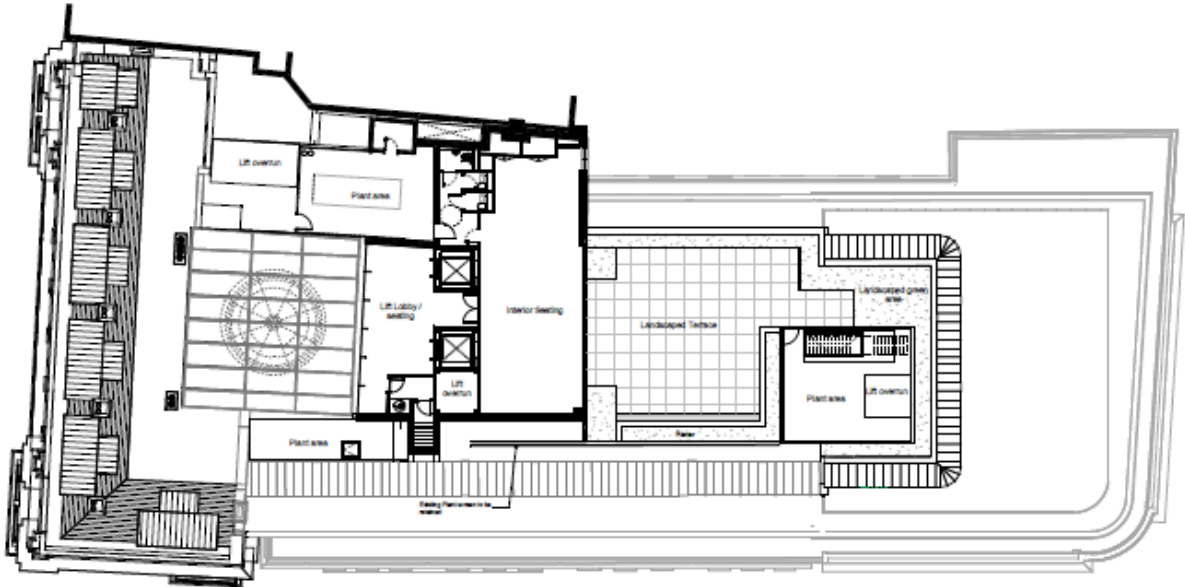
Application 2 (plant rooms and roof extension)

Existing 5<sup>th</sup> floor



Proposed 5<sup>th</sup> floor

Proposed 6<sup>th</sup> floor

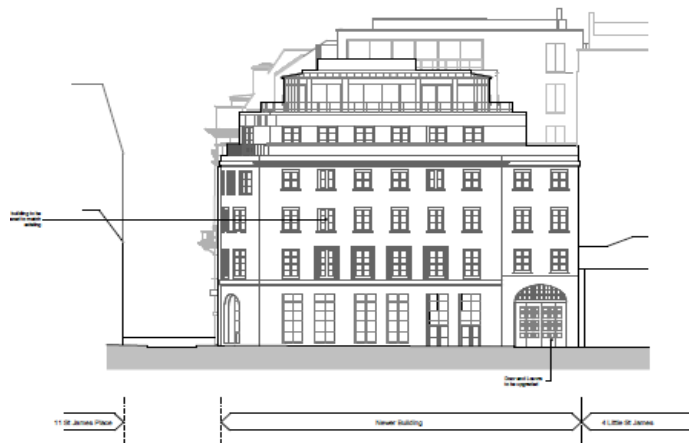


Proposed roof plan

Proposed Little St James's Street elevation

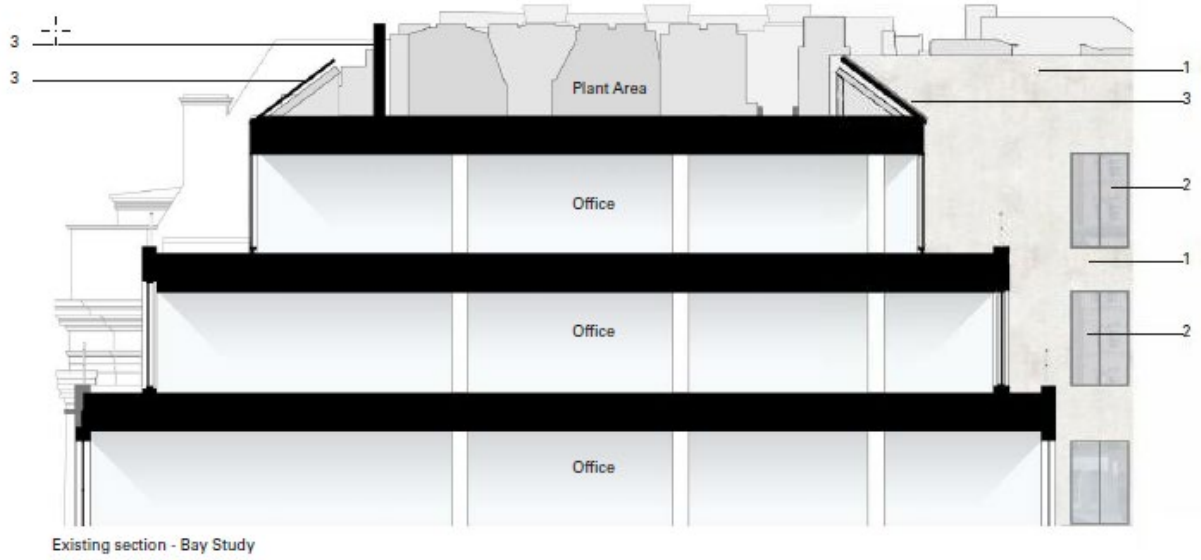


Proposed front elevation (below)



Proposed rear elevation (above)

Existing and proposed section (looking eastwards)

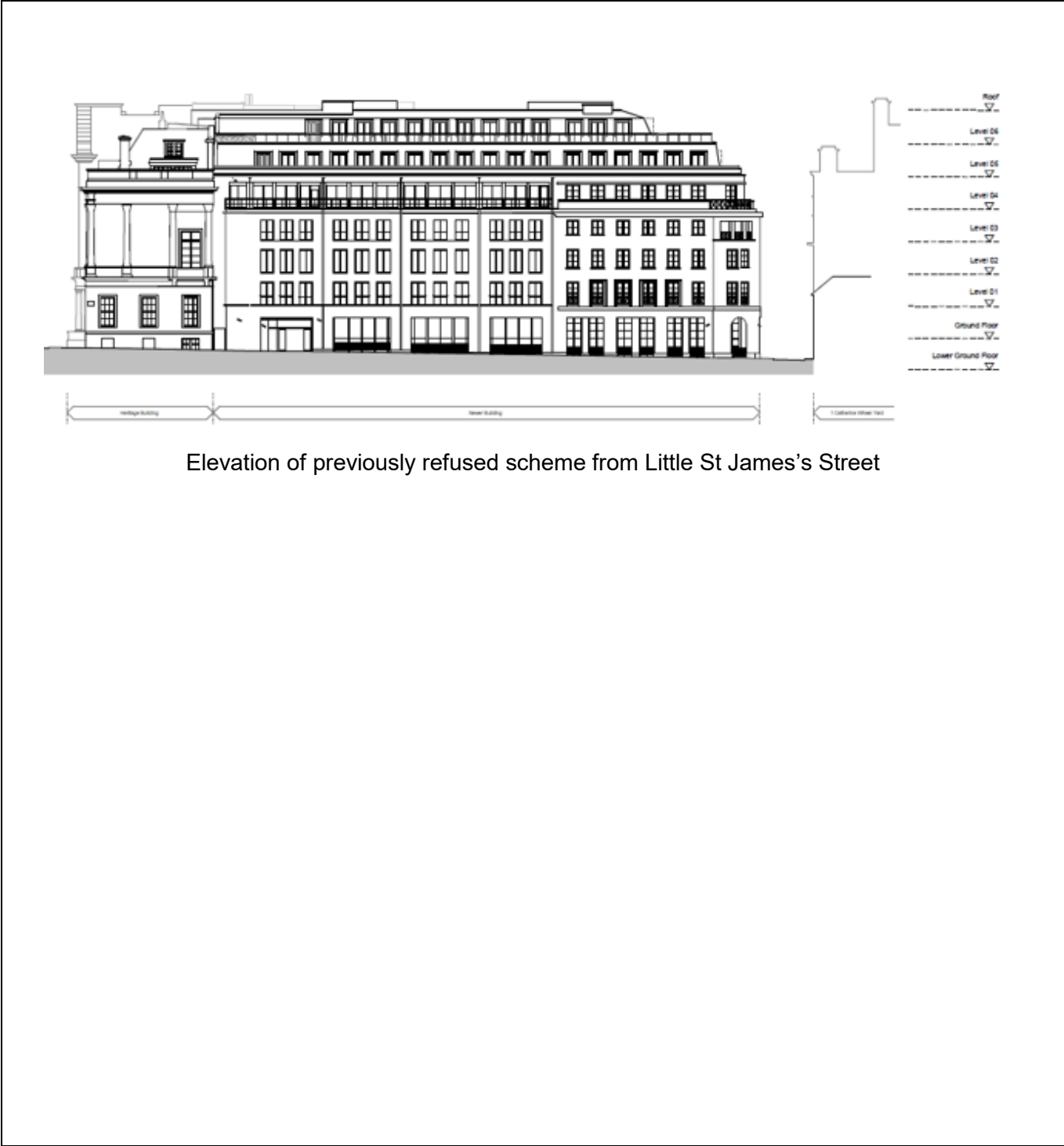




Existing view (above) from Cleveland Row

View of previously refused scheme from Cleveland Row





Elevation of previously refused scheme from Little St James's Street

**DRAFT DECISION LETTER**

**Address:** 78 St James's Street, London, SW1A 1LF.

**Proposal:** Installation of additional plant rooms and replacement plant at roof level, creation of an auditorium at the lower ground floor level together with the in-fill of the atrium space to provide access to the upper floors of the building. Associated alterations to Little St James's Street entrance.

**Reference:** 19/02989/FULL

**Plan Nos:** 17063-SQP-ZZ-ZZ-DP-A-PL00001.

## Existing:

17063-SQP-01-00-DP-A-PL00104; 17063-SQP-01-01-DP-A-PL00105; 17063-SQP-01-02-DP-A-PL00106; 17063-SQP-01-03-DP-A-PL00107; 17063-SQP-01-04-DP-A-PL00108; 17063-SQP-01-05-DP-A-PL00109; 17063-SQP-01-06-DP-A-PL00110; 17063-SQP-01-B1-DP-A-PL00102; 17063-SQP-01-B2-DP-A-PL00101; 17063-SQP-01-LG-DP-A-PL00103; 17063-SQP-01-ZZ-DE-A-PL00301; 17063-SQP-01-ZZ-DE-A-PL00302; 17063-SQP-01-ZZ-DS-A-PL00601; 17063-SQP-01-ZZ-DS-A-PL00602; 17063-SQP-01-ZZ-DS-A-PL00603; 17063-SQP-01-ZZ-DB-A-PL02703, 17063-SQP-01-ZZ-DB-A-PL02703

## Demolition:

17063-SQP-01-00-DP-A-PL01104; 17063-SQP-01-01-DP-A-PL01105; 17063-SQP-01-02-DP-A-PL01106; 17063-SQP-01-03-DP-A-PL01107; 17063-SQP-01-04-DP-A-PL01108; 17063-SQP-01-05-DP-A-PL01109; 17063-SQP-01-06-DP-A-PL01110; 17063-SQP-01-B1-DP-A-PL01102; 17063-SQP-01-B2-DP-A-PL01101; 17063-SQP-01-LG-DP-A-PL01103; 17063-SQP-01-ZZ-DE-A-PL01301; 17063-SQP-01-ZZ-DE-A-PL01302; 17063-SQP-01-ZZ-DS-A-PL01601; 17063-SQP-01-ZZ-DS-A-PL01603;

## Proposed:

17063\_SQP\_01\_LG\_DP-A\_PL02003; 17063-SQP-01-00-DP-A-PL02004; 17063-SQP-01-01-DP-A-PL02005; 17063-SQP-01-02-DP-A-PL02006; 17063-SQP-01-03-DP-A-PL02007; 17063-SQP-01-04-DP-A-PL02008; 17063-SQP-01-05-DP-A-PL02009; 17063-SQP-01-06-DP-A-PL02010; 17063-SQP-01-07-DP-A-PL02011; 17063-SQP-01-B1-DP-A-PL02002; 17063-SQP-01-B2-DP-A-PL01101; 17063-SQP-01-ZZ-DB-A-PL02703; 17063-SQP-01-ZZ-DB-A-PL02704; 17063-SQP-01-ZZ-DE-APL02301; 17063-SQP-01-ZZ-DE-A-PL02302; 17063-SQP-01-ZZ-DS-A-PL02601; 17063-SQP-01-ZZ-DS-A-PL02602; 17063-SQP-01-ZZ-DS-A-PL02603; Acoustic Report by Hann Tucker Associates dated 11 April 2019.

For information only: Design and access statement (Squire and Partners dated April 2019); BREEAM pre assessment by Huntley Palmer Flatt; Heritage Statement (Turley, April 2019); Daylight Assessment (Point 2, April 2019); Planning Statement (DP9); Structural statement (Bridges Pound, April 2019).

**Case Officer:** Louise Francis

**Direct Tel. No.** 020 7641 2488

**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:

- between 08.00 and 18.00 Monday to Friday;
- between 08.00 and 13.00 on Saturday; and
- not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- between 08.00 and 18.00 Monday to Friday; and
- not at all on Saturdays, Sundays, bank holidays and public holidays.

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

Reason:

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

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

Reason:

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

- 4 (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)

- 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 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 work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

**Reason:**

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

- 7 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises., (2) The emergency plant and generators hereby permitted

may be operated only for essential testing, except when required by an emergency loss of power., , (3)  
Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

**Reason:**

As set out in S32 of Westminster's City Plan (November 2016) and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby. (R50AB)

**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 and 5 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 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)

**DRAFT DECISION LETTER**

**Address:** 78 St James's Street, London, SW1A 1LF,

**Proposal:** Installation of additional plant rooms and replacement plant at roof level, creation of an auditorium at the lower ground floor level together with the in-fill of the atrium space to provide access to the upper floors of the building. Alterations to the entrance on Little St James's Street.

**Reference:** 19/02990/LBC

**Plan Nos:** 17063-SQP-ZZ-ZZ-DP-A-PL00001.

Existing: 17063-SQP-01-00-DP-A-PL00104; 17063-SQP-01-01-DP-A-PL00105; 17063-SQP-01-02-DP-A-PL00106; 17063-SQP-01-03-DP-A-PL00107; 17063-SQP-01-04-DP-A-PL00108; 17063-SQP-01-05-DP-A-PL00109; 17063-SQP-01-06-DP-A-PL00110; 17063-SQP-01-B1-DP-A-PL00102; 17063-SQP-01-B2-DP-A-PL00101; 17063-SQP-01-LG-DP-A-PL00103; 17063-SQP-01-ZZ-DE-A-PL00301; 17063-SQP-01-ZZ-DE-A-PL00302; 17063-SQP-01-ZZ-DS-A-PL00601; 17063-SQP-01-ZZ-DS-A-PL00602; 17063-SQP-01-ZZ-DS-A-PL00603; 17063-SQP-01-ZZ-DB-A-PL02703; 17063-SQP-01-ZZ-DB-A-PL02703

Demolition: 17063-SQP-01-00-DP-A-PL01104; 17063-SQP-01-01-DP-A-PL01105; 17063-SQP-01-02-DP-A-PL01106; 17063-SQP-01-03-DP-A-PL01107; 17063-SQP-01-04-DP-A-PL01108; 17063-SQP-01-05-DP-A-PL01109; 17063-SQP-01-06-DP-A-PL01110; 17063-SQP-01-B1-DP-A-PL01102; 17063-SQP-01-B2-DP-A-PL01101; 17063-SQP-01-LG-DP-A-PL01103; 17063-SQP-01-ZZ-DE-A-PL01301; 17063-SQP-01-ZZ-DE-A-PL01302; 17063-SQP-01-ZZ-DS-A-PL01601; 17063-SQP-01-ZZ-DS-A-PL01603;

Proposed: 17063-SQP-01-LG-DP-A-PL02003; 17063-SQP-01-00-DP-A-PL02004; 17063-SQP-01-01-DP-A-PL02005; 17063-SQP-01-02-DP-A-PL02006; 17063-SQP-01-03-DP-A-PL02007; 17063-SQP-01-04-DP-A-PL02008; 17063-SQP-01-05-DP-A-PL02009; 17063-SQP-01-06-DP-A-PL02010; 17063-SQP-01-07-DP-A-PL02011; 17063-SQP-01-B1-DP-A-PL02002; 17063-SQP-01-B2-DP-A-PL01101; 17063-SQP-01-ZZ-DB-A-PL02703; 17063-SQP-01-ZZ-DB-A-PL02704; 17063-SQP-01-ZZ-DE-A-PL02301; 17063-SQP-01-ZZ-DE-A-PL02302; 17063-SQP-01-ZZ-DS-A-PL02601; 17063-SQP-01-ZZ-DS-A-PL02602; 17063-SQP-01-ZZ-DS-A-PL02603.

For information only:., Heritage Statement (Turley, April 2019); Design and Access Statement by Squire and Partners dated April 2019.

**Case Officer:** Louise Francis

**Direct Tel. No.** 020 7641 2488

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

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

**Reason:**

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

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

**Reason:**

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

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

**Reason:**

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the St James's 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):**

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

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

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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)

**DRAFT DECISION LETTER (application 2)**

**Address:** 78 St James's Street, London, SW1A 1JB

**Proposal:** Alterations at roof level including the installation of plant rooms and the creation of a pavilion rooftop extension and terrace area, along with other alterations including creation of an auditorium at the lower ground floor level together with the in-fill of the atrium space to provide access to the upper floors of the building. Associated alterations to Little St James's Street entrance.

**Reference:** 19/03873/FULL

**Plan Nos:** Existing drawings:  
 17063-SQP-01-B2-DP-A-PL00101; 17063-SQP-01-B1-DP-A-PL00102; 17063-SQP-01-LG-DP-A-PL00103; 17063-SQP-01-00-DP-A-PL00104; 17063-SQP-01-01-DP-A-PL00105; 17063-SQP-01-02-DP-A-PL00106; 17063-SQP-01-03-DP-A-PL00107; 17063-SQP-01-04-DP-A-PL00108; 17063-SQP-01-05-DP-A-PL00109; 17063-SQP-01-06-DP-A-PL00110; 17063-SQP-01-ZZ-DE-A-PL00301; 17063-SQP-01-ZZ-DE-A-PL00302; 17063-SQP-01-ZZ-DS-A-PL00601; 17063-SQP-01-ZZ-DS-A-PL00602; 17063-SQP-01-ZZ-DS-A-PL00603; 17063-SQP-01-ZZ-DB-A-PL02703

Demolition:  
 17063-SQP-01-00-DP-A-PL01104; 17063-SQP-01-01-DP-A-PL01105; 17063-SQP-01-02-DP-A-PL01106; 17063-SQP-01-03-DP-A-PL01107; 17063-SQP-01-04-DP-A-PL01108; 17063-SQP-01-05-DP-A-PL01109B; 17063-SQP-01-06-DP-A-PL01110B; 17063-SQP-01-B1-DP-A-PL01102; 17063-SQP-01-B2-DP-A-PL01101; 17063-SQP-01-LG-DP-A-PL01103; 17063-SQP-01-ZZ-DE-A-PL01301B; 17063-SQP-01-ZZ-DE-A-PL01302B; 17063-SQP-01-ZZ-DS-A-PL01601B; 17063-SQP-01-ZZ-DS-A-PL01602B; 17063-SQP-01-ZZ-DS-A-PL01603B

Proposed:  
 17063-SQP-01-B2-DP-A-PL02001; 17063-SQP-01-B1-DP-A-PL02002; 17063-SQP-01-LG-DP-A-PL02003; 17063-SQP-01-00-DP-A-PL02004; 17063-SQP-01-01-DP-A-PL02005; 17063-SQP-01-02-DP-A-PL02006; 17063-SQP-01-03-DP-A-PL02007; 17063-SQP-01-04-DP-A-PL02008; 17063-SQP-01-05-DP-A-PL02009B; 17063-SQP-01-06-DP-A-PL02010B; 17063-SQP-01-07-DP-A-PL02011B; 17063-SQP-01-ZZ-DB-A-PL02704; 17063-SQP-01-ZZ-DE-A-PL02301B; 17063-SQP-01-ZZ-DE-A-PL02302B; 17063-SQP-01-ZZ-DS-A-PL02601B; 17063-SQP-01-ZZ-DS-A-PL02602B; 17063-SQP-01-ZZ-DS-A-PL02603B., Acoustic Assessment (Hann Tucker, 1 May 2019).  
 For information only: , Design and access statement (Squire and Partners dated May 2019); BREEAM pre assessment by Huntley Palmer Flatt; Heritage Statement (Turley, May 2019); Daylight Assessment (Point 2, May 2019); Planning Statement (DP9); Structural statement (Bridges Pound, 3 May 2019).

**Case Officer:** Louise Francis

**Direct Tel. No.** 020 7641 2488

**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:
  - between 08.00 and 18.00 Monday to Friday;
  - between 08.00 and 13.00 on Saturday; and
  - not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- between 08.00 and 18.00 Monday to Friday; and
- not at all on Saturdays, Sundays, bank holidays and public holidays.

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

Reason:

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

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the St James's Conservation Area. This is

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

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

Reason:

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

- 6 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)

- 7 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the lowest 24 hour LA90, 15 mins) by more than 10 dB one metre outside any premises., (2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required by an emergency loss of power., (3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour in a calendar month, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays.

**Reason:**

As set out in S32 of Westminster's City Plan (November 2016) and ENV 7 (B) of our Unitary Development Plan that we adopted in January 2007. Emergency and auxiliary energy generation plant is generally noisy, so a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing and other non-emergency use is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby. (R50AB)

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

**Reason:**

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

- 9 The terraces shown on the approved drawings at fifth and sixth floor levels shall only be accessible to users of the building between the hours of 0800 to 1900 daily unless required as an emergency means of escape.

**Reason:**

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

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available

detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, 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 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work., , Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974., , 24 Hour Noise Team, Environmental Health Service, Westminster City Hall, 64 Victoria Street, London, SW1E 6QP, , Phone: 020 7641 2000, , Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)
- 3 Conditions 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 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)
- 5 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)
- 6 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , [www.westminster.gov.uk/cil](http://www.westminster.gov.uk/cil) , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form** , CIL forms are available from the planning on the planning portal: , <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> , Forms can be submitted to [CIL@Westminster.gov.uk](mailto:CIL@Westminster.gov.uk) , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

**DRAFT DECISION LETTER (application 2 – listed building consent)****Address:** 78 St James's Street, London, SW1A 1JB**Proposal:** Internal alterations together with rooftop alterations including the removal and reconfiguration of plant and the creation of a pavilion rooftop extension and terrace area. Associated alterations to Little St James's Street entrance.**Reference:** 19/03874/LBC**Plan Nos:** Existing drawings:  
17063-SQP-01-B2-DP-A-PL00101; 17063-SQP-01-B1-DP-A-PL00102; 17063-SQP-01-LG-DP-A-PL00103; 17063-SQP-01-00-DP-A-PL00104; 17063-SQP-01-01-DP-A-PL00105; 17063-SQP-01-02-DP-A-PL00106; 17063-SQP-01-03-DP-A-PL00107; 17063-SQP-01-04-DP-A-PL00108; 17063-SQP-01-05-DP-A-PL00109; 17063-SQP-01-06-DP-A-PL00110; 17063-SQP-01-ZZ-DE-A-PL00301; 17063-SQP-01-ZZ-DE-A-PL00302; 17063-SQP-01-ZZ-DS-A-PL00601; 17063-SQP-01-ZZ-DS-A-PL00602; 17063-SQP-01-ZZ-DS-A-PL00603; 17063-SQP-01-ZZ-DB-A-PL02703**Demolition:**

17063-SQP-01-00-DP-A-PL01104; 17063-SQP-01-01-DP-A-PL01105; 17063-SQP-01-02-DP-A-PL01106; 17063-SQP-01-03-DP-A-PL01107; 17063-SQP-01-04-DP-A-PL01108; 17063-SQP-01-05-DP-A-PL01109B; 17063-SQP-01-06-DP-A-PL01110B; 17063-SQP-01-B1-DP-A-PL01102; 17063-SQP-01-B2-DP-A-PL01101; 17063-SQP-01-LG-DP-A-PL01103; 17063-SQP-01-ZZ-DE-A-PL01301B; 17063-SQP-01-ZZ-DE-A-PL01302B; 17063-SQP-01-ZZ-DS-A-PL01601B; 17063-SQP-01-ZZ-DS-A-PL01602B; 17063-SQP-01-ZZ-DS-A-PL01603B

**Proposed:**

17063-SQP-01-B2-DP-A-PL02001; 17063-SQP-01-B1-DP-A-PL02002; 17063-SQP-01-LG-DP-A-PL02003; 17063-SQP-01-00-DP-A-PL02004; 17063-SQP-01-01-DP-A-PL02005; 17063-SQP-01-02-DP-A-PL02006; 17063-SQP-01-03-DP-A-PL02007; 17063-SQP-01-04-DP-A-PL02008; 17063-SQP-01-05-DP-A-PL02009B; 17063-SQP-01-06-DP-A-PL02010B; 17063-SQP-01-07-DP-A-PL02011B; 17063-SQP-01-ZZ-DB-A-PL02704; 17063-SQP-01-ZZ-DE-A-PL02301B; 17063-SQP-01-ZZ-DE-A-PL02302B; 17063-SQP-01-ZZ-DS-A-PL02601B; 17063-SQP-01-ZZ-DS-A-PL02602B; 17063-SQP-01-ZZ-DS-A-PL02603B.

Information only - Heritage Statement (Turley, May 2019); Design and Access Statement (Squire and Partners, May 2019).

**Case Officer:** Louise Francis**Direct Tel. No.** 020 7641 2488**Recommended Condition(s) and Reason(s)**

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

**Reason:**

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

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

Reason:

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

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

Reason:

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

- 4 The works approved are only those shown on the drawings listed on this decision letter. (C27NA)

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 St James's 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

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10.146 of the Unitary Development Plan, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes: , \* any extra work which is necessary after further assessments of the building's condition; , \* stripping out or structural investigations; and, \* any work needed to meet the building regulations or other forms of statutory control. , , Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents. , , It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

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

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Item No.
<b>4</b>

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 16 July 2019	<b>Classification</b> For General Release	
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> Warwick	
<b>Subject of Report</b>	<b>Belgravia Court , 33 Ebury Street, London, SW1W 0NY</b>		
<b>Proposal</b>	Erection of 2 storey porters lodge comprising ground floor and basement, including louvres to ventilate plant equipment within roof space of the lodge. Installation of new boundary railings and landscaping works. Associated alterations to entrances of the main buildings.		
<b>Agent</b>	Eleven10 Architecture		
<b>On behalf of</b>	Belgravia Court 2017		
<b>Registered Number</b>	19/00352/FULL	<b>Date amended/ completed</b>	23 January 2019
<b>Date Application Received</b>	18 January 2019		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	None		

**1. RECOMMENDATION**

Grant conditional permission
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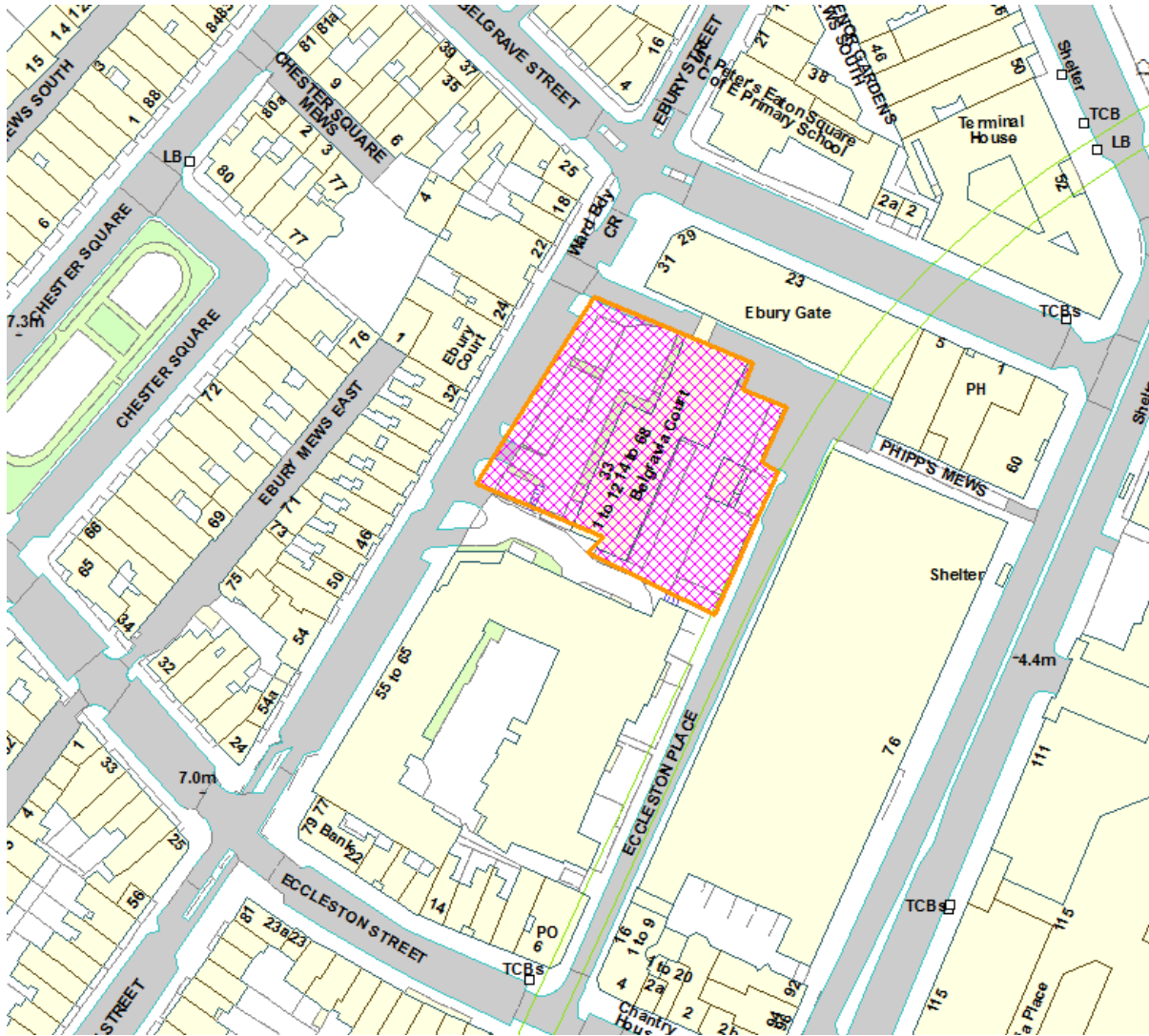
**2. SUMMARY**

<p>The site, Belgravia Court, comprises two linked 8 storey residential blocks and a forecourt fronting Ebury Street. It falls just outside of the boundary of the Belgravia Conservation Area. Permission is sought for the erection of a two storey porters lodge including basement and plant machinery, the installation of new boundary railings and gates and associated landscaping works. It is also proposed to install new stairs and platform lifts to the front entrances of the existing buildings.</p> <p>Letters of both objection and support have been received.</p> <p>The key issues are:</p> <ul style="list-style-type: none"> <li>• The impact of the design and appearance of the proposal on the Belgravia Conservation Area;</li> <li>• The impact on the amenity of neighbouring residents;</li> </ul>
--

The proposed development is considered to be acceptable in land use, design and amenity terms and would accord with policies within the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (November 2016). As such, it is recommended that conditional planning permission is granted.



### 3. LOCATION PLAN



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4. PHOTOGRAPHS



Ebury Street elevation

## 5. CONSULTATIONS

### HISTORIC ENGLAND (ARCHAEOLOGY)

- The proposals is unlikely to have a significant effect on heritage assets of archaeological interest.

### BELGRAVIA SOCIETY

- Supports the application and considers that the proposals will enhance the appearance of Ebury Street, provide proper working conditions for the building porter, increase security and stop anti-social behaviour.

### HIGHWAYS PLANNING MANAGER

- No objection, the proposal does not represent an increase in residential units or loss of car parking and as such is policy compliant. Conditions recommended.

### ENVIRONMENTAL HEALTH

- No objection on environmental noise or nuisance grounds, subject to conditions.

### TREE SECTION

- No objection, conditions recommended to secure details of tree protection, suitable replacement tree planting and landscaping.

### BUILDING CONTROL

- No objection, the structural method statement is considered to be acceptable, an investigation of existing structures and geology has been undertaken and found to be of sufficient detail;
- The proposals to safeguard adjacent properties during construction are considered to be acceptable.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 93

Total No. of replies: 15

No. of objections: 2

No. in support: 13

Twelve letters of support have been received from local residents making the following points:

### CONSERVATION AND DESIGN

- The works would improve the appearance of Ebury Street and provide attractive planting.

### OTHER

- The railings would discourage antisocial behaviour/ criminal activities and increase safety for residents;
- The porters lodge will provide excellent working conditions for the porter;
- The forecourt is currently in a poor state of repair and suffering from subsidence;

**HIGHWAYS**

- There will be no changes to the number of parking spaces or any increase in activity of residents;

Two letters of objection have been received on the following grounds:

**CONSERVATION AND DESIGN**

- The site of the porters lodge is currently an attractive and rare open space, its removal and enclosure would be detrimental to the street scene;

**AMENITY**

- The light received by the ground floor windows of Belgravia court could be impacted by the porters lodge;
- The porters lodge and fencing could lead to sense of enclosure;

**HIGHWAYS**

- Assurances sought that the proposals would not restrict access or ease of use of parking spaces at front of site;
- It is suggested that disabled access to the basement car park is created in a location closer to the main building;
- No information provided about servicing and deliveries.
- Traffic management issues resulting from the new gates could lead to more stop/stop starting of vehicles and consequent increase in air pollution, noise and disturbance over the existing situation.

**OTHER**

- The need for the development/ why the current porter's accommodation is unsatisfactory and how the new lodge would operate is unclear;
- The creation of a gated forecourt would reduce interaction with the street and be less inclusive;
- The outlook from Belgravia court would be adversely affected by the new lodge;
- The disturbance from the construction works could negatively impact local businesses;
- The net reduction in green space would lead exacerbate the heat island effect;

PRESS ADVERTISEMENT / SITE NOTICE: Yes

**6. BACKGROUND INFORMATION****6.1 The Application Site**

The application site is located on the east side of Ebury Street close to its junction with Lower Belgrave Street. The works relate to the forecourt of two eight storey residential blocks, which currently accommodates car parking, entrance stairs to a UKPN station and areas of planting.

## 6.2 Recent Relevant History

In September 2002, conditional permission was granted for the installation of railings and gate to the rear of the building (RN:02/04162).

## 7. THE PROPOSAL

The proposals involve the erection of a two storey porters lodge with basement level. The lodge will comprise of a reception area and lockers at ground floor level, with shower/bathroom facilities and a kitchen at basement level. There will be plant machinery within the roof space with louvres to ventilate and a green wall installed on the west and south elevations of the lodge. The existing UKPN power station will be enclosed.

New boundary railings with electronic gates will be installed around the forecourt of the existing building. It is also proposed to install new stairs and platform lifts to the front entrances of the existing building and carry out landscaping works to the forecourt.

The applicant states that the current porters accommodation is not fit for purpose due to its small size and the new facilities will enable a full-time (24 hours a day, 7 days a week) porter service, which along with the proposed railings, will help to address anti-social behaviour in the forecourt.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

In land use terms the erection of a porters lodge, ancillary to the existing residential flats, is considered to be acceptable and in accordance with Policy S14 of the City Plan. A condition is recommended to ensure that the porters lodge shall not be occupied at any time other than for purposes ancillary to the residential use of the main building. The lodge comprises 88 square metres GIA.

An objector states that enclosing the forecourt with fencing would reduce interaction with the street and be less inclusive. However, as the forecourt is private land providing car parking and a setting for the flats (and not a public open space) it would not be reasonable to refuse the application for this reason.

### 8.2 Townscape and Design

The site contains no listed buildings, and falls just outside the boundary of the Belgravia Conservation Area, the setting of which it affects. Opposite the northern end of the site is the Grade II listed 22 Ebury Street, which is set within a wider terrace typical of Belgravia and as such interacts with the site as a part of that wider townscape rather than individually. Whilst the application site has a close visual relationship with the conservation area and the listed building, it is architecturally and spatially defined from it by its very different built form, scale and position set back from the main street building line. This frontage is occupied by mature planting and parking, which is the focus of this application.

Being single-storey above ground and roughly square in plan, the porters lodge would sit quietly but prominently to the front, south-western corner of the site. An objector states that the site of the porters lodge is currently an attractive and rare open space and that building on this area would be detrimental to the street scene. The lodge comprises brick/render elevations along with a zinc roof. It is considered that the porters lodge has been designed to echo the original architecture of the main building, respecting the open character of the site's front parking and landscaped area, and in turn preserving the manner in which the site contributes to the setting of the conservation area. The proposals would have no effect on the setting of the nearby listed building due to its situation as part of the wider townscape. The proposed railings are considered appropriate in design terms.

To achieve the stated architectural quality of the proposals, a condition is recommended to ensure that the materials use on the porters lodge match the main building.

Subject to conditions, it is considered that the proposals accord with Unitary Development Plan (UDP) policies DES 1, DES 9 and DES 10 and City Plan Policies S25 and S28.

### **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.

One of the objectors has raised concern that the porters lodge could impact the light received by the ground floor windows at Belgravia Court. Given the size and massing of the porters lodge (approx. 7.15m x 8.0m x 4.0m) and the distance between it and the ground floor windows (approx. 9m), it is unlikely that the proposals would not lead to an unacceptable loss of light. Whilst the porters lodge and fencing would be visible from the ground floor windows, it is considered that the proposals would not lead to an unacceptable sense of enclosure.

Objection has also been raised on the grounds that the new gates could lead to more "stop/starting" of vehicles and consequent increase in air pollution, noise and disturbance over the existing situation. However, as the proposals do not involve any increase in residential units or parking it is unlikely that the development would lead to any increase in traffic, and consequently more pollution.

The proposals include the installation of air conditioning plant within the roof of the porters lodge. 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.

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

### **8.4 Transportation/Parking**

The proposals have been amended on officers advice and front gates set back a further 3m to ensure that any waiting vehicles do not obstruct the footway or vehicle carriageway and a condition is recommended to ensure that the new gates do not open over the highway. The proposals do not involve an increase in residential units or loss of car parking and for these reasons are considered to be in accordance with policies TRANS 20 and TRANS 23.

An objector seeks assurances that the proposals would not restrict access or ease of use of the sites parking spaces. The applicant has stated that all users will have access to their spaces. This is considered to be a private matter.

The proposals are considered to be acceptable in highways terms and have raised no objection from the Highways Planning Manager.

### **8.5 Economic Considerations**

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

### **8.6 Access**

The site will have a pedestrian gate and electrical sliding gate to the front (Ebury street) and side of the forecourt. Access to the main building will be improved by the installation of new stairs and a platform lift.

The porters lodge will have level access and be DDA compliant.

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

None.

### **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, the draft plan has been revised and formal consultation is now being carried out 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**

Not applicable.

### **8.10 London Plan**

This application raises no strategic issues.

### 8.11 National Policy/Guidance Considerations

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

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

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure a method statement explaining the measures the applicant will take to protect trees on and close to the site (Condition 10) and adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development (Condition 11). The applicant has agreed to the imposition of these conditions.

### 8.12 Planning Obligations

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

This application is not CIL liable.

### 8.13 Environmental Impact Assessment

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

### 8.14 Other Issues

#### **Basement (Including Construction Impact and Trees)**

The proposals are considered to be in accordance with the Council's basement policy, CM28.1 of the City Plan, as set out below.

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

These parts of the policy relate to ground conditions, structural methodology, the Code of Construction Practice, structural stability and flood risk.

The applicant has provided an assessment of ground conditions for this site and this has informed the structural methodology statement prepared by an appropriately qualified structural engineer. These documents have been reviewed by Building Control who advise that the structural methodology proposed is appropriate for the ground conditions that are likely to be on this site. Accordingly, it is considered that as far is reasonable and practicable at this stage, the applicant has satisfactorily investigated the site and surmised the likely existing ground conditions and provided a suitable structural methodology report in light of it.



The purpose of the structural methodology report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act. Therefore, we are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the draft decision letter.

*Part A. 5*

An objection has been received from a neighbouring business on the grounds that the proposals will cause noise disturbance during their key trading time and has requested that building works cease between 12:30 and 16:00 hours.

The City Council adopted its Code of Construction Practice (CoCP) at the end of July 2016 and if permission is granted the applicants will be required to comply with the CoCP. This is a fundamental shift in the way the construction impacts of developments are dealt with relative to the position prior to July 2016. Previously conditions were attached to planning permissions requiring Construction Management Plans to help protect the amenity of neighbours during construction. The CoCP expressly seeks to move away from enforcement via the planning system. It recognises that there is a range of regulatory measures available to deal with construction impacts, and that planning is the least effective and most cumbersome of these. The Environmental Inspectorate has been resourced in both numbers and expertise to take complete control over the monitoring of construction impacts.

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

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

A condition is recommended requiring evidence to be submitted of compliance with the CoCP. This must be submitted before work starts on site, subject to which the proposals are considered acceptable. This condition is consistent with environmental protection legislation and will help to alleviate disturbance to neighbours.

Additionally, a condition is recommended to ensure that any building work which can be heard at the boundary of the site is only carried out between 08.00 and 18.00 Monday to Friday, between 08.00 and 13.00 on Saturday and not at all on Sundays, bank holidays and public holidays. Piling, excavation and demolition work will only be carried out between 08.00 and 18.00 Monday to Friday and not at all on Saturdays, Sundays, bank holidays and public holidays. It is considered unreasonable to further restrict these hours according to the requirements of individual businesses. The parties involved are free to come to a private arrangement.

*Part A. 6*

The applicant has provided an Archaeological Desk Based Assessment which demonstrates that the proposals are unlikely to have a significant effect on heritage assets of archaeological interest and Historic England (Archaeology) have raised no objections to the proposals.

*Part B. 1 and 2*

Part 1 states that proposals should provide a satisfactory landscaping scheme, incorporating soft landscaping, planting and permeable surfacing as appropriate. An objector states that the removal of a landscaped area, which they consider to be an attractive and rare open space, would not meet this requirement. Even with the new porters lodge in place, there is still a substantial landscaped area in front of the car park, providing an attractive setting for the residential block and wider area. The Council's tree section has raised no objection to the proposals, subject to a condition requiring that the applicant apply for approval of detailed drawings of a planting scheme which includes the number, size, species and position of trees and shrubs.

A cherry tree is to be removed to allow the construction of the porters lodge, this has caused no objection from the Council's tree section subject to suitable replacement planting, which will be secured by condition. A pre-commencement condition is recommended requiring the applicant to apply for approval of a method statement explaining the measures that will be taken to protect the trees on and close to the site.

*Part B. 3*

The basement will be ventilated mechanically (see section 8.3 of this report)

*Part B. 4 and 7*

The applicants structural engineering report identifies that the works will require a new sewer connection and to mitigate the risk of flooding, non-return or anti-flood valves will be considered. Volumes of surface water run-off from the site are not anticipated to increase significantly and it is understood that surface water will be discharged to the sewer network through existing connections.

*Part B. 5 and 6*

The basement would have no external manifestations and would not negatively impact on the conservation area (see Section 8.2 of this report).

*Part C. 1 and 2*

The basement would not extend beneath more than 50% of the garden land. The porters lodge would be positioned in the South West corner of the site and would not leave a

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margin of undeveloped garden land on the south boundary. However, given the unusual circumstances of the proposal and that this boundary is adjacent to the driveway associated with 55 Ebury Street it is difficult to identify any material harm that could result.

*Part C. 3*

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

*Part D*

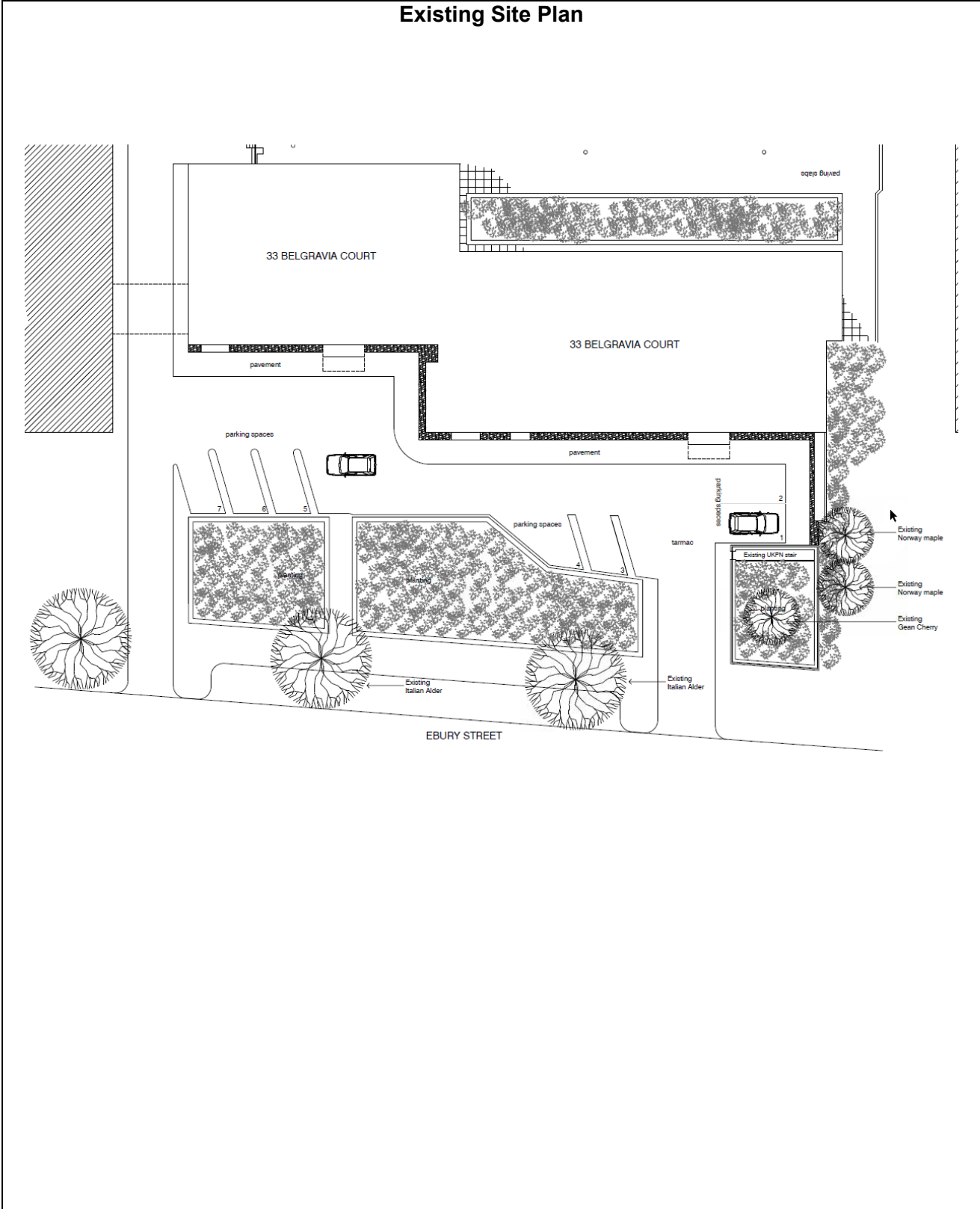
The basement does not extend under the highway, therefore this part of the policy does not apply in this case.

Overall, the proposed basement is considered to comply with City Plan Policy CM28.1.

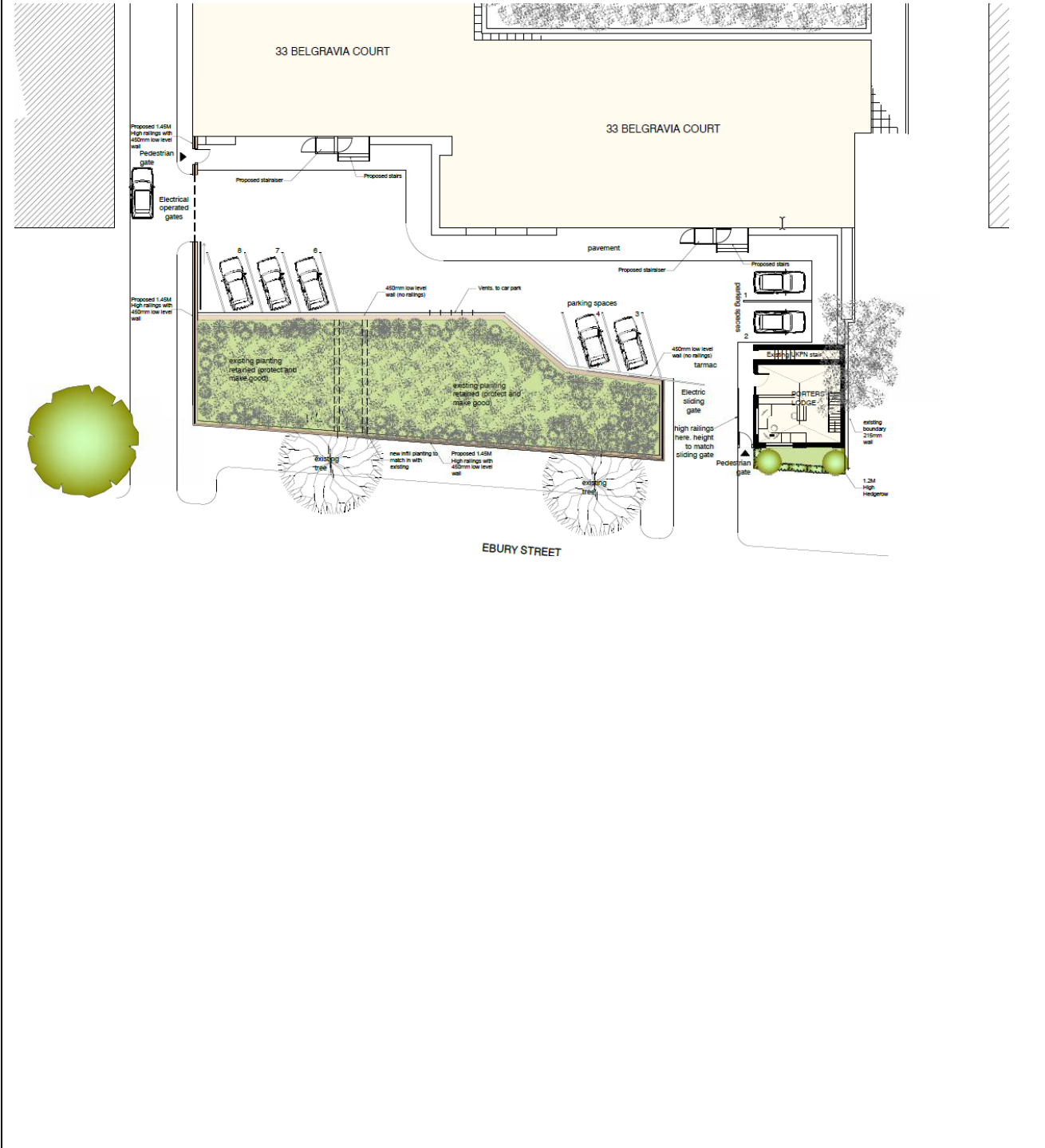
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: LOUISE FRANCIS BY EMAIL AT <a href="mailto:lfrancis@westminster.gov.uk">lfrancis@westminster.gov.uk</a>
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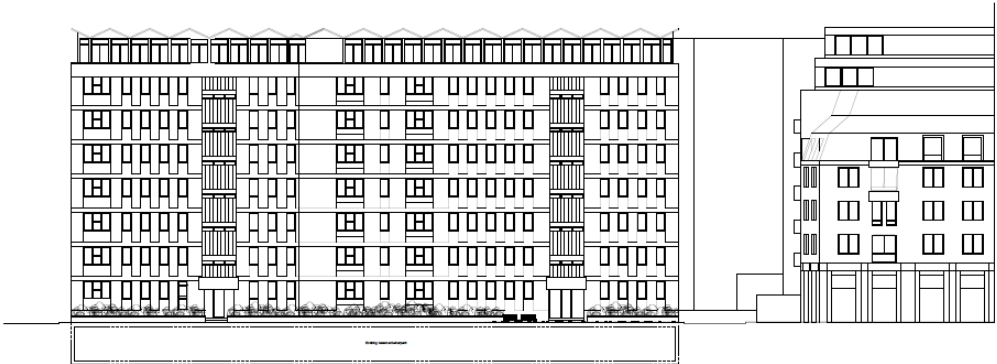
9. KEY DRAWINGS



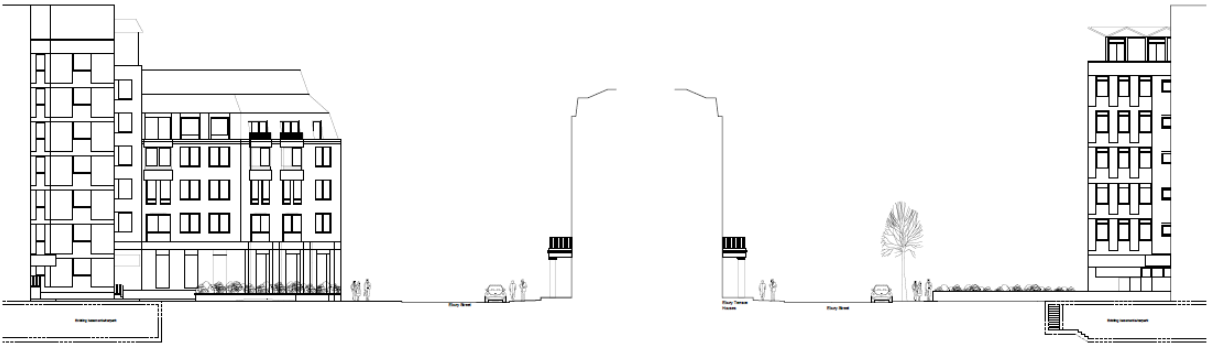
Proposed Site Plan



Existing Elevations



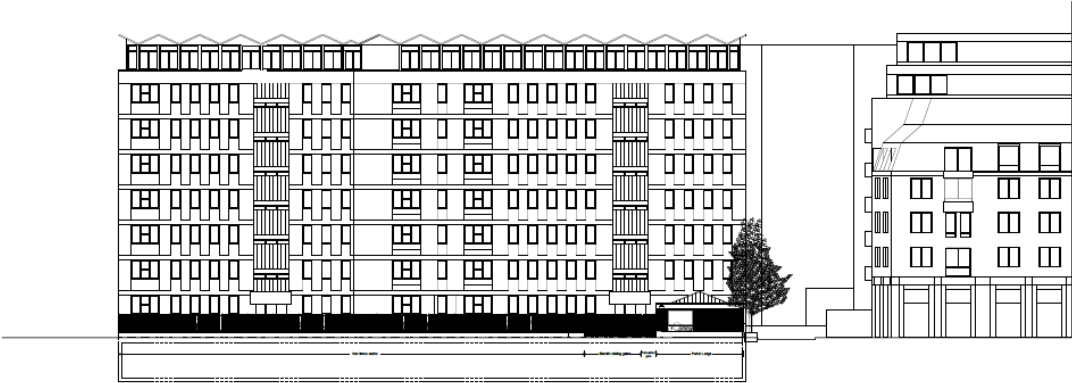
WEST ELEVATION  
1:200



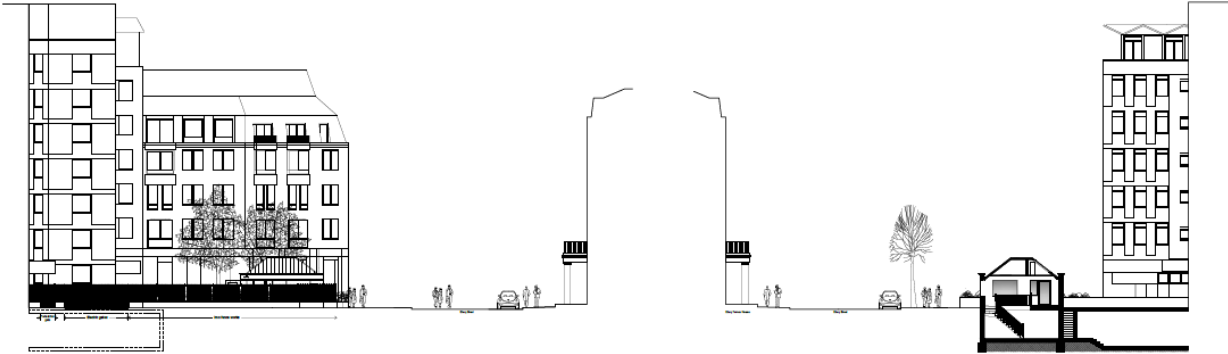
NORTH ELEVATION  
1:200

SOUTH ELEVATION  
1:200

**Proposed Elevations**



**WEST ELEVATION**  
1:200



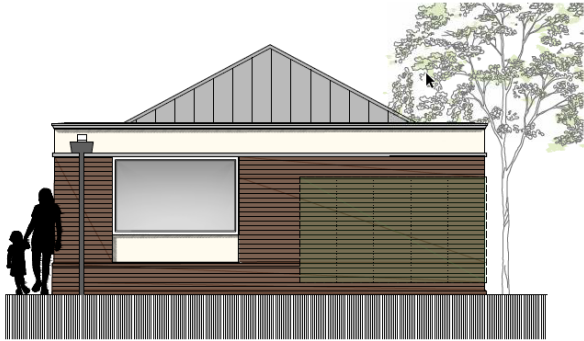
**NORTH ELEVATION**  
1:200

**SOUTH ELEVATION**  
1:200

Porters Lodge Elevations



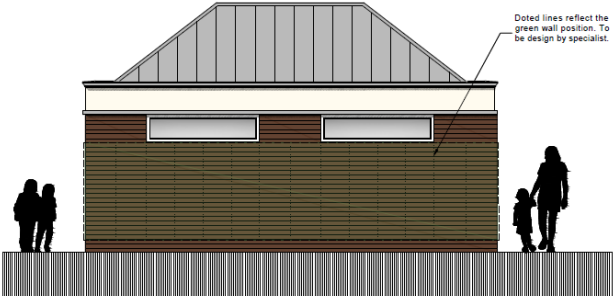
NORTH ELEVATION  
1:50



WEST ELEVATION  
1:50



EAST ELEVATION



SOUTH ELEVATION METRES 0 1 2 3 4 5

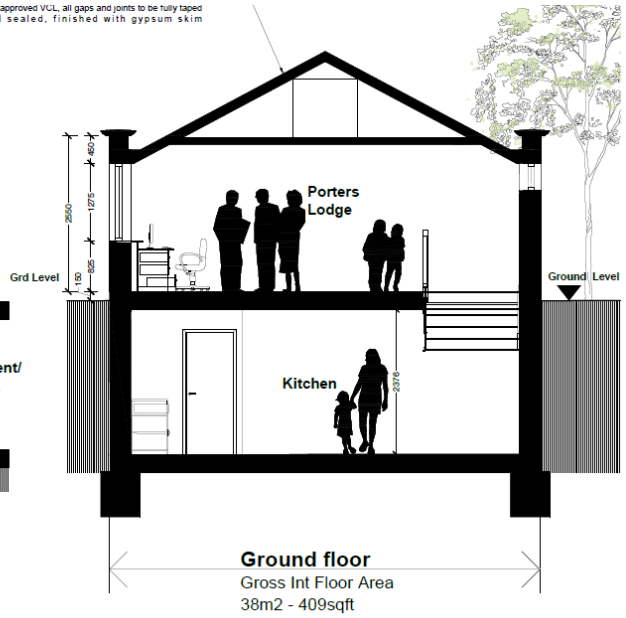
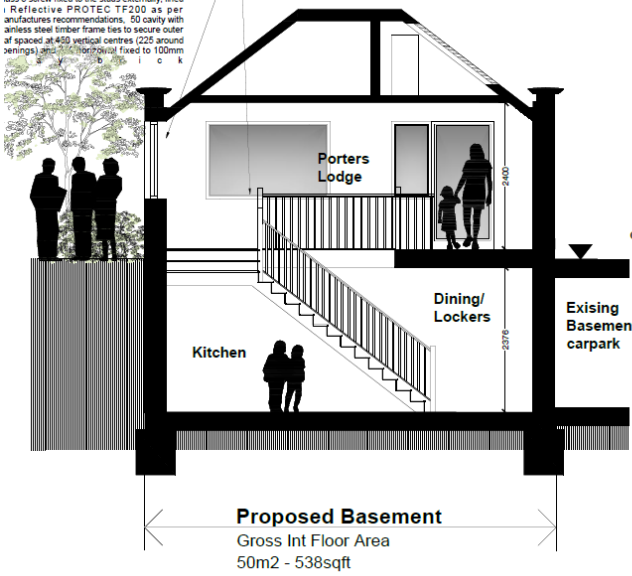
Dotted lines reflect the green wall position. To be design by specialist.



### Porters Lodge Sections

400c/s with staggered noggin, partial filled  
 ith 120 KINGSPAN TW65 between studs, 12.5  
 BP 18mm Exterior Grade Ply to EN 836 : 2003  
 less 3 screw fixed to the studs externally, lined  
 i Reflective PROTEC TF200 as per  
 manufactures recommendations, 50 cavity with  
 aniless steel timber frame ties to secure outer  
 af spaced at 450 vertical centres (225 around  
 penings) and horizontal fixed to 100mm

and approved VCL, all gaps and joints to be fully taped  
 and sealed, finished with gypsum skim

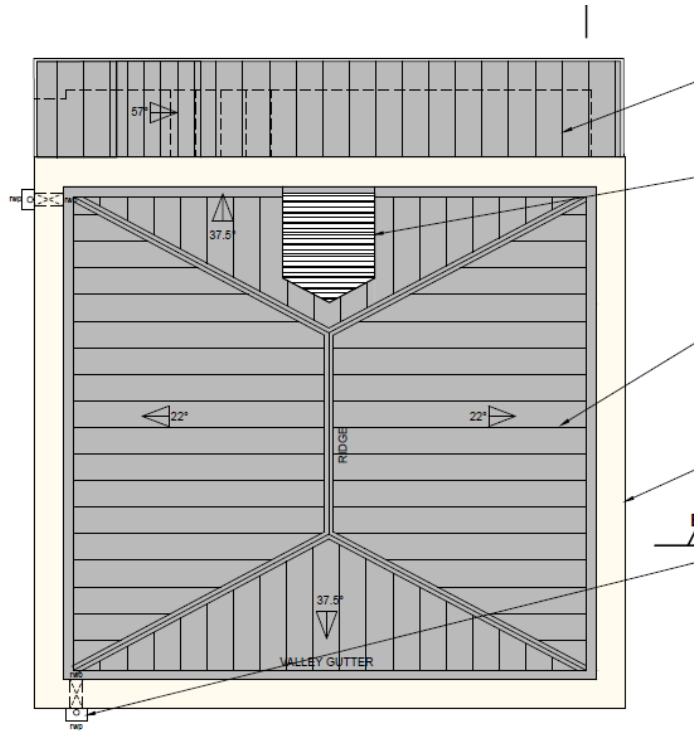


Section A-A

Section B-B

METRES

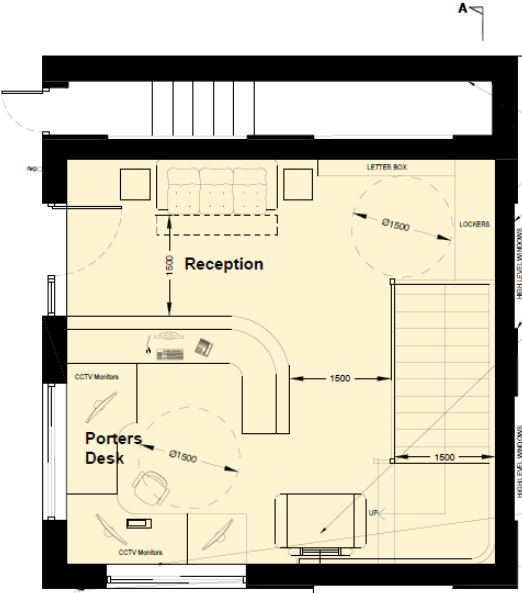
### Porters Lodge Roof Plan



Roof Plan -  
 Scale 1:50

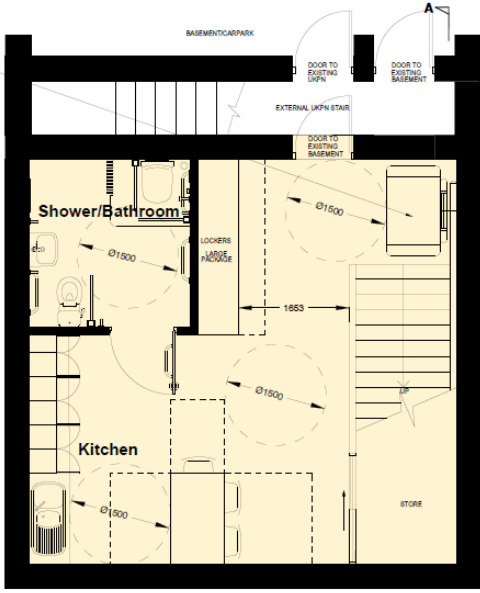
A

**Porters Lodge Floor Plans**



**Ground Floor Plan -**  
Gross Int Floor Area 38m2

- Wheelchair platform stairlift
- Reconstituted stone coping colour to be agreed with LPA
- Softwood timber window frames to match existing - colour white.
- Mosaic feature tiling to match existing.
- Facing Brickwork to match existing.
- Wheelchair platform stairlift
- Green wall to be design by specialist.
- Softwood timber window frames to match existing - colour white.
- Aluminum RWP and hopper to match existing.



**Basement Floor Plan -**  
Gross Int Floor Area 38m2



**Image of proposed porters lodge**

**DRAFT DECISION LETTER**

**Address:** Belgravia Court , 33 Ebury Street, London, SW1W 0NY

**Proposal:** Erection of 2 storey porters lodge comprising ground floor and basement, including louvres to ventilate plant equipment within roof space of the lodge. Installation of new boundary railings and landscaping works. Associated alterations to entrances of the main buildings.

**Reference:** 19/00352/FULL

**Plan Nos:** 01 Rev. B; 07 Rev. C; 08 Rev. B; 09 Rev. B; 10 Rev. B; 11 Rev. C; 12 Rev. C; 13 Rev. B; 14 Rev. A; 15 Rev. B; 21; 31; Acoustic Report No. 17608.PCR.01 dated 17 May 2018; Signed Checklist B: Code of Construction Practice dated 27 February 2019.

For information purposes:

Archaeological Desk Based Assessment dated March 2019; Structural Engineering Report for Planning (Including construction methodology statement); Tree Schedule & Arboricultural Impact Assessment, Ref no. R2433a dated 5 April 2019; 5 Rev. A; Tree Protection Plan - A M Lane -05-04-2019; 17 Rev. A; 16 Rev. B.

**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) 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 Belgravia 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 hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

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

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

shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

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

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

Reason:

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

- 6 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)

- 7 The porters lodge permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the building known as Belgravia Court, 33 Ebury Street.

Reason:

To ensure that the impacts of using the porters lodge as a separate unit of accommodation can be properly assessed by the City Council as set out in S15, S29, S30, S41 and S42 of Westminster's City Plan (November 2016) and H5, TRANS 20, TRANS 23 and ENV13 of our Unitary Development Plan that we adopted in January 2007.

- 8 You must apply to us for approval of detailed drawings of a planting scheme which includes the number, size, species and position of trees and shrubs. The scheme must include at least 3 trees, to be planted at a minimum size of 12-14cm girth. 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 planting within one planting season of completing the development. , , If you remove any trees or find that they are dying, severely damaged or diseased within 5 years of planting them, you must replace them with trees of a similar size and species. (C30CB)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of the Belgravia 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)

- 9 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved in writing what you have sent us. You must then carry out the work according to the approved details. (C31CC)

Reason:

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

**11 Pre Commencement Condition**

Prior to the commencement of any:

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

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

Reason:

To protect the environment of 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),

**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](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).

**BUILDING REGULATIONS:**

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

- 3 Conditions 5 and 6 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>
- 5 With reference to condition 11 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](mailto: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 the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement. Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental 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.



Item No.
<b>4</b>

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

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# Agenda Item 9

Item No.

5

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 16 July 2019	<b>Classification</b> For General Release	
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> Knightsbridge And Belgravia	
<b>Subject of Report</b>	<b>17 Chester Square, London, SW1W 9HS</b>		
<b>Proposal</b>	Excavation of a basement beneath the footprint of the dwelling, and associated plant in the rear lightwell and internal alterations.		
<b>Agent</b>	Chelsea Consultants		
<b>On behalf of</b>	Cannon Nominees Ltd		
<b>Registered Number</b>	18/07471/FULL and 18/07472/LBC	<b>Date amended/ completed</b>	11 June 2019
<b>Date Application Received</b>	30 August 2018		
<b>Historic Building Grade</b>	II		
<b>Conservation Area</b>	Belgravia		

## 1. RECOMMENDATION

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

## 2. SUMMARY

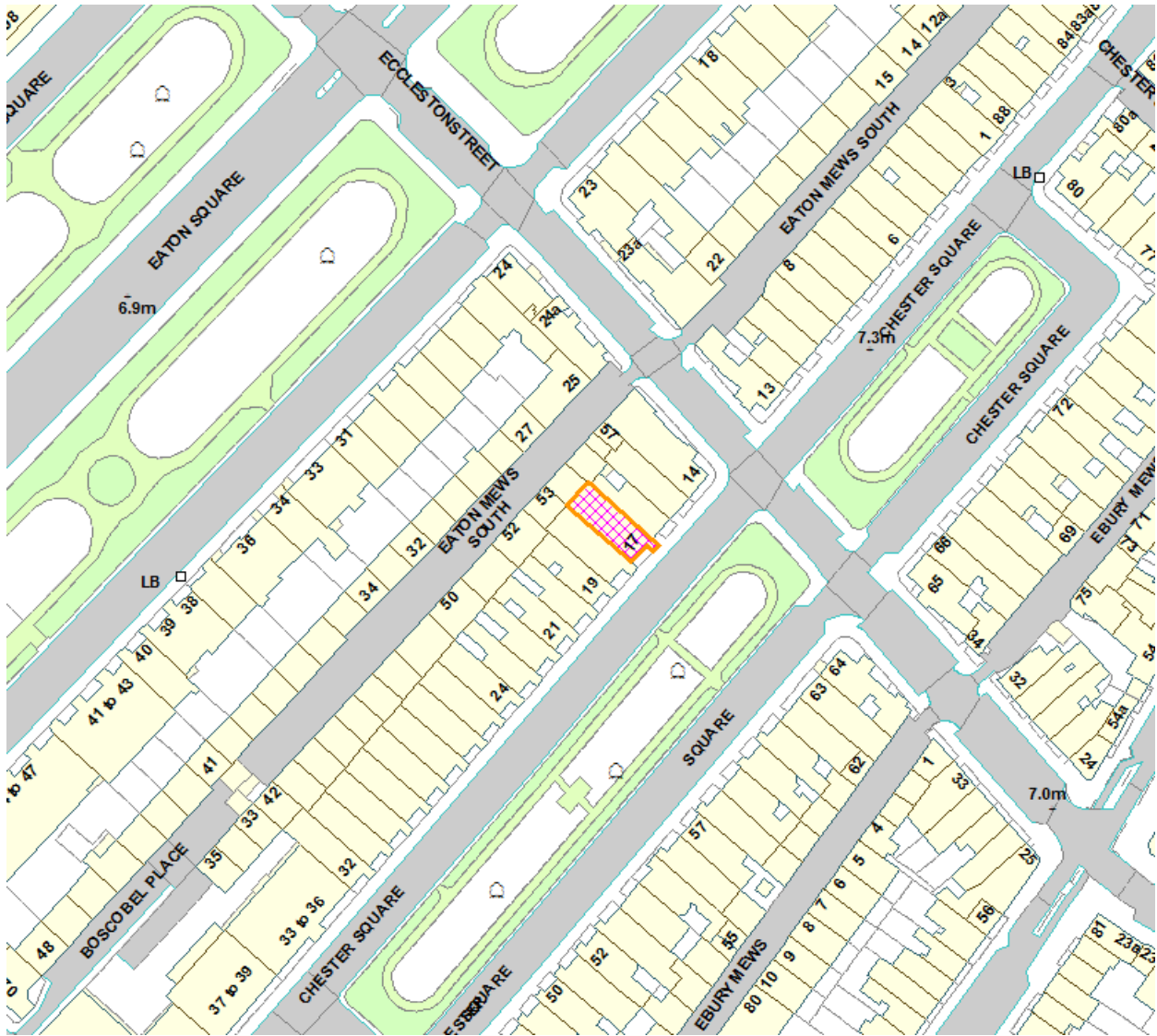
17 Chester Square is a grade II listed building within the Belgravia Conservation Area. It is in use as a single family dwelling house. The applicant seeks permission and listed building consent for excavation to create a basement beneath the footprint of the dwelling, to provide a swimming pool, sauna and gym, and associated plant in the in the rear lightwell above.

The key issues in this case are:

- the impact of the proposed development on the character and appearance of the listed building and the character and appearance of the Belgravia Conservation Area; and
- the impact on the amenity of neighbouring residents.

As set out in this report, the proposed development is considered to accord with the relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan (the City Plan) and is therefore acceptable in land use, design and amenity terms. As such, the application is recommended for approval subject to the conditions as set out on the draft decision letter.

### 3. LOCATION PLAN



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4. PHOTOGRAPHS



Front Elevation

## 5. CONSULTATIONS

### HISTORIC ENGLAND (Archaeology):

The proposal is unlikely to have a significant effect on heritage assets of archaeological interest. No further assessment or conditions are necessary.

### ENVIRONMENTAL HEALTH:

No objection, subject to conditions.

### BUILDING CONTROL:

The structural method statement is 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 which is considered to be appropriate for this site. The proposals to safeguard adjacent properties during construction are considered to be acceptable.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 16

Total No. of objections: 6 (excluding duplicates)

Six objections received from neighbouring residents/ interested parties on the following summarised grounds:

#### Design/ heritage:

- the scale of basement is too large and out of character with Chester Square;
- the building is listed and delicate, and the excavation could harm it and neighbouring listed buildings;

#### Environmental:

- basements such as these require mechanical ventilation and additional power which may not be sustainable in the longer term;

#### Construction Impact/ Structural Methodology:

- the excavation, and building work, would unduly harm residential amenity in terms of increased noise, dirt, dust, vibration and other nuisance;
- the works would cause damage to adjoining properties, are technically too complex to be done without risk and would affect the water table;
- the structural methodology statement submitted is insufficient, it relies on investigations carried out at nearby properties (rather than the application property) and it would be 'gross negligence' on the part of the City Council to accept the findings/ conclusions of the statement;
- the basement would be deeper than the 2.7 metres that the basement policy indicates would be acceptable;
- the proposals do not meet the requirements of the basement policy

#### Other:

- the Grosvenor Estate (the freeholder of much of the properties in this area, but not the application property) does not allow basements of this size;

- the building is already very large;
- the proposals would serve as a precedent resulting in widespread danger to residents and their property.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

**6. BACKGROUND INFORMATION**

**6.1 The Application Site**

17 Chester Square is a grade II listed building within the Belgravia Conservation Area. It is in use as a single family dwelling house. The property comprises an original basement level, ground and four upper levels (including the mansard). The ground and basement levels extend to the rear boundary with 54 Eaton Mews South and there is no rear garden therefore (although a roof terrace exists at first floor level).

The site is located within Flood Zone 1 and within a Tier 3 Archaeological Priority Area.

**6.2 Recent Relevant History**

On 1 April 2015, the City Council granted permission and listed building consent for infilling of inner rear lightwell area at lower ground floor level.

On 24 April 2008, the City Council granted permission and listed building consent replacement of existing pitched lantern light at rear first floor level with new flat glass rooflight.

**7. THE PROPOSAL**

The applicant seeks permission and listed building consent for excavation to create a basement beneath the footprint of the dwelling, to provide a swimming pool, sauna and gym, and associated plant in the rear lightwell, intake/extract vents to the rear terrace and associated internal alterations.

Floorspace Figures:

	<b>Existing GIA (sqm)</b>	<b>Proposed GIA (sqm)</b>	<b>+/-</b>
Residential Use (Class C3)	538	654	+116

**8. DETAILED CONSIDERATIONS**

**8.1 Land Use**

The application property is a single family dwelling house and the additional residential floorspace created would enlarge it. This would raise no land use implications.

**8.2 Townscape and Design**

Policies DES 1 (urban design / conservation principles), DES 5 (alterations and extensions), DES 9 (conservation areas) and DES 10 (listed buildings) of the UDP apply to the consideration of these applications, whilst S26 and S28 of the City Plan provide the strategic planning policies relevant to design and CM28.1 of the City Plan relates to basements.

Sections 7 and 12 of the National Planning Policy Framework (NPPF) require great weight be placed on design quality and on the preservation of designated heritage assets. Paragraph 133 makes it clear that 'substantial harm' must only be approved in exceptional circumstances in return for substantial public benefits and subject to various tests. Paragraph 134 meanwhile requires a similar but proportionate assessment of 'less than substantial harm' against public benefits.

The main design/ townscape issue in this instance is the impact of the proposals on the special architectural and historic interest (significance) of this Grade II listed building.

In considering the impact on the special interest of the listed building, part B (6) of policy CM28.1 of the City Plan is of particular relevance. It notes, with regards to listed buildings, that basement extensions should not unbalance a buildings' original hierarchy of spaces, where this contributes to its significance.

17 Chester Square retains its original hierarchy of spaces, with larger principal rooms on the ground and first floor and less prestigious spaces at lower ground floor, and this arrangement contributes to its significance. However, the proposed basement floor to ceiling height would be less than that of the principal spaces, with swimming pool only occupying part of the space and the overall hierarchy of spaces would therefore remain legible. As such, the principle of a basement extension is acceptable and will not affect the character and significance of the original spaces in the building.

In terms of the impact on historic fabric, the existing basement/lower ground floor space is largely characterised by its modern finishes and detail, including modern tile floor with underfloor heating throughout much of the lower ground floor. It does, however, retain an attractive stone staircase from ground to lower ground. The proposal would retain this original staircase in situ with the new access staircase to the basement located immediately behind this. The applicants have indicated the staircase will remain unaltered and be supported and protected during the course of works. An amended structural statement has been submitted which provides details of how this will be undertaken and the retention and protection of the staircase will also be secured by condition.

No works are proposed within the front basement lightwell or to the front of the property and works will not affect the character and appearance of the existing building. An air handling unit will be located within the enclosed rear lightwell area and intake and exhaust terminals mounted above the rear terrace. Given their location at the rear these will have minimal visual impact and works are not considered to affect the character and appearance of the Belgravia Conservation Area. The applicants have indicated that any associated pipework will be located within existing voids and on this basis, proposals are considered acceptable.

Conditions are set out in the draft decision letters which require the protection of all existing original detail, secure the retention and protection of the historic staircase, require further



details of the screening of the air handling unit, require all new pipework to be run within existing routes, and finally, that original joists, floorboards, lath and plaster ceilings must not be disturbed.

Overall, subject to the suggested conditions, the proposals are considered to have minimal impact on historic fabric and will not cause harm to the significance of this Grade II listed building or to the character and appearance of the Belgravia Conservation Area. These therefore comply with local and national policy, in particular that set out in the National Planning Policy Framework, in policies S25 (Heritage) and CM28.1 (Basement Development) of the Westminster City Plan and saved policies DES1, DES5, DES9 and DES10 of the Unitary Development Plan.

### **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 that enhances the residential environment of surrounding properties.

The subterranean nature of the excavation means that once complete the basement itself would have no amenity impact on neighbouring properties in terms of daylighting, sense of enclosure or privacy. The impact of basement excavation and construction is discussed in section 8.14 of this report.

Given the position of the external plant equipment within a lightwell, it would have no implications on neighbours in terms of light or enclosure. The impact in terms of noise is discussed in section 8.7 of this report.

### **8.4 Transportation/Parking**

The proposal does not represent an increase in residential units. There is no requirement for the provision of cycle or car parking.

### **8.5 Economic Considerations**

Any economic benefits generated are welcome.

### **8.6 Access**

Access arrangements will remain unchanged.

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

#### **Basement Excavation**

Policy CM28.1 relates to all basement excavation in the City. The proposal complies with this policy. Of relevance to this application are the parts of the policy that consider structural impacts, construction impacts, ventilation, flood risk and archaeological impacts and these are discussed below. The policy also seeks to ensure the heritage assets are protected but this is discussed above in section 8.2 and that trees are protected but there are not trees near the site.

*Structural Impact:*

The applicant has submitted a detailed structural methodology statement as required by the basement policy. Objectors have raised concern on structural impact grounds, arguing harmful impacts on the structural integrity of the building and adjoining buildings and on the water table. An objector also raises specific concern that the structural methodology statement is insufficient.

The City Council's Building Control team have confirmed that the applicant's structural method statement is satisfactory and have raised no concerns. The applicant has investigated existing structures and geology and Building Control consider this to be of sufficient detail. An objector stated that the statement should not have referred to borehole records from investigations carried out at a nearby property (24 Chester Square) but Building Control have advised this is acceptable given it is close to the site and the geology map of the area indicates the site is not close to a boundary of different soil types. Further, the developer proposes to construct the basement using RC underpinning which Building Control confirm is appropriate, and so too are the plans to safeguard adjacent properties during construction. In these circumstances, there are no grounds to withhold permission because of the structural impacts on neighbouring properties.

It should be noted that the purpose of the structural methodology report at the planning application stage is to demonstrate that a subterranean development can be constructed on the particular site having regard to the existing structural conditions and geology. It does not prescribe the engineering techniques that the developer must use during construction which may need to be altered once the site investigation/ excavation has occurred. The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act. Therefore, we are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the draft decision letter.

*Construction Impact:*

The principal way the basement policy seeks to limit the disturbance to neighbours during construction is by limiting the size of the basement developments – this therefore limits the duration and harmful impacts associated with the works. The proposed single storey basement contained underneath the footprint of the dwelling accords the with the size criteria with the basement policy.

The applicant has also submitted the required draft signed proforma Appendix A which demonstrates that the applicant would comply with the relevant parts of the council's Code of Construction Practice (CoCP). Objectors argue the works would cause undue disturbance to neighbouring residents, and that the proforma was not submitted (it was, but it contains sensitive information which the City Council cannot publish given the General Data Protection Regulations).

The City Council adopted its Code of Construction Practice (CoCP) at the end of July 2016. This was a fundamental shift in the way the City Council deals with the construction impacts of developments relative to the position prior to July 2016. Previously the City Council attached conditions to planning permissions requiring Construction Management Plans to help protect the amenity of neighbours during construction. The CoCP expressly seeks to move away from enforcement via the planning system. It recognises that there is a range of regulatory measures available to deal with construction impacts, and that planning is the least effective and most cumbersome of these. The Environmental Inspectorate has been resourced in both numbers and expertise to take complete control over the monitoring of construction impacts.

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

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

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

*Ventilation Equipment:*

The basement policy states that new basements should use the most energy efficient means of ventilation, and wherever practicable natural ventilation should be used. An objector has raised concern about the energy requirements of equipment needed to mechanically ventilate the basement. In this case, mechanical ventilation is proposed because the basement would involve a swimming pool and there are no opportunities to ventilate the space naturally.

The applicant has submitted an acoustic assessment as part of the application. Plant equipment is proposed within the lightwell and internally in the basement. Air intake/extract pipework also runs up to the rear of the first floor terrace within existing voids. The acoustic assessment indicates that the equipment would likely be inaudible at the nearest residential premises. The City Council's Environmental Health Team have confirmed that they agree this would be the case and officers recommend conditions to ensure it. Attenuation measures are specified in the submission, and these will be secured by condition. Subject to the conditions set out in the draft decision letters, the proposed plant and ventilation strategy is acceptable in both amenity and design terms.

*Flood Risk:*

The site is located within Flood Risk Zone 1, which means there is a low probability of river or coastal flooding. Further, Building Control have confirmed that the applicant has acceptably researched the likelihood of local flooding and impacts on the water table, and have found the impacts to be negligible.

In terms of drainage of rain water, given the basement would be underneath the footprint of the existing dwelling (rather than a garden), there would be no additional impact. The proposal would not affect an existing sewer.

*Archaeological Impact:*

The site is within a Tier 3 Archaeological Priority Area which has the potential for prehistoric and post-medieval remains.

Historic England's Greater London Archaeological Advisory Service (GLAAS) have reviewed the applicant's archaeological assessment of this site and consider that the work would unlikely affect archaeological assets and state no further assessment or conditions are necessary.

## **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, the draft plan has been revised and formal consultation is now being carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019. In the case of a draft local plan that has been published for consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, including a second revision Regulation 19 plan, it remains at a pre-submission stage (i.e. has yet to be submitted to the Secretary of State for Examination in Public) and therefore, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

## **8.9 Neighbourhood Plans**

None are relevant.

## **8.10 London Plan**

This application raises no strategic issues.

## **8.11 National Policy/Guidance Considerations**

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

Further to the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, the City Council cannot impose a pre-commencement condition (a condition which must be discharged before works can start on site) on a planning permission without the

written agreement of the applicant, unless the applicant fails to provide a substantive response within a 10 day period following notification of the proposed condition, the reason for the condition and justification for the condition by the City Council.

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 to City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development. The applicant has agreed to the imposition of the condition.

### **8.12 Planning Obligations**

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

The development is not CIL liable.

### **8.13 Environmental Impact Assessment**

Not relevant to this application.

### **8.14 Other Issues**

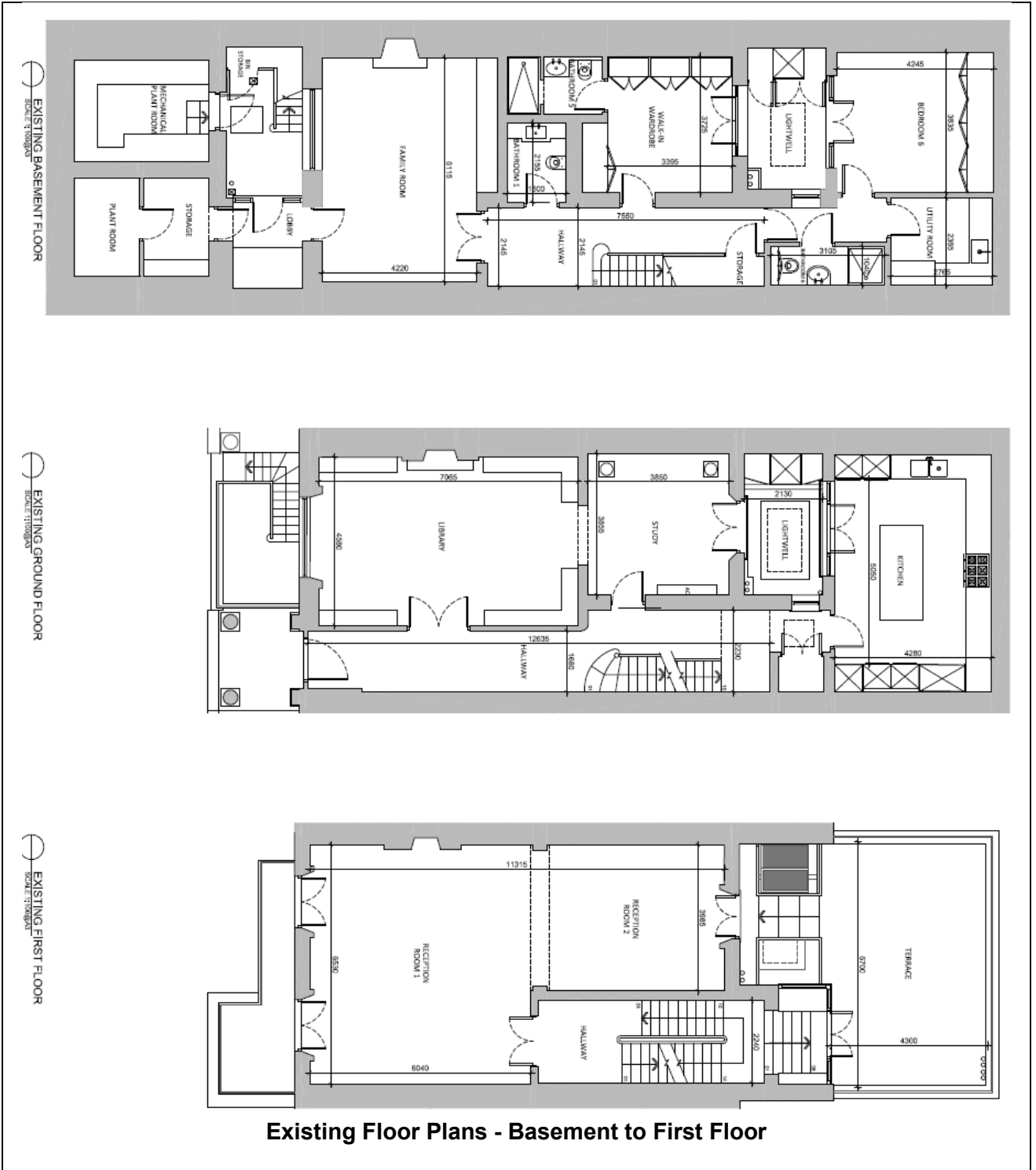
#### **Grosvenor Estate**

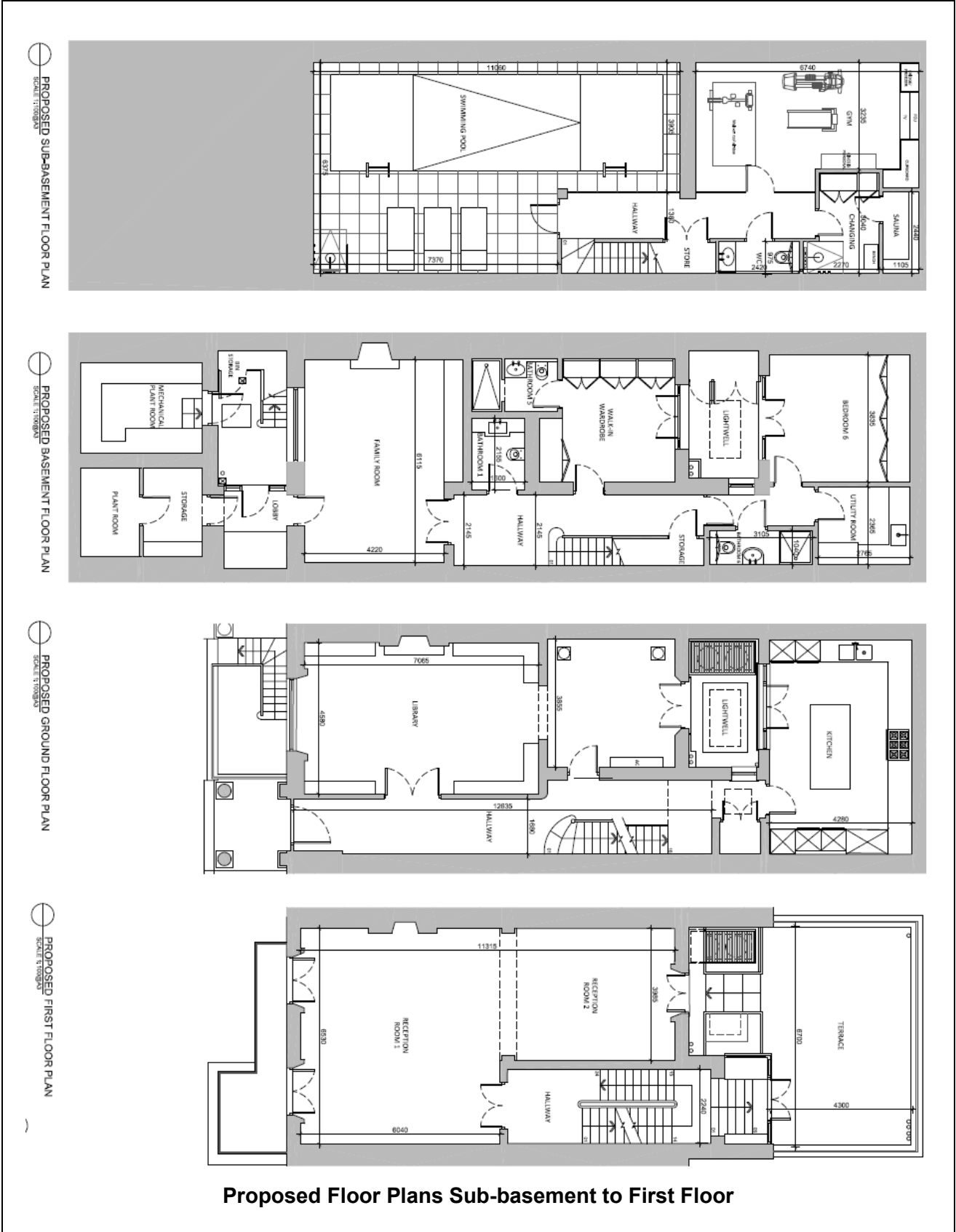
The Grosvenor Estate is the freeholder of large areas of Belgravia, and in this instance they have raised concerns regarding the extent of excavation and it's potential impact upon the historic building and amenity impacts associated with the construction process. Whilst the Estate applies its own terms and conditions to the properties where they have a freehold interest, they do not appear to have any ownership of the application site. As set out in the report, the proposals are considered to comply with the City Council's planning policies and the Grosvenor Estate's terms and conditions regarding basements are not a planning matter.

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

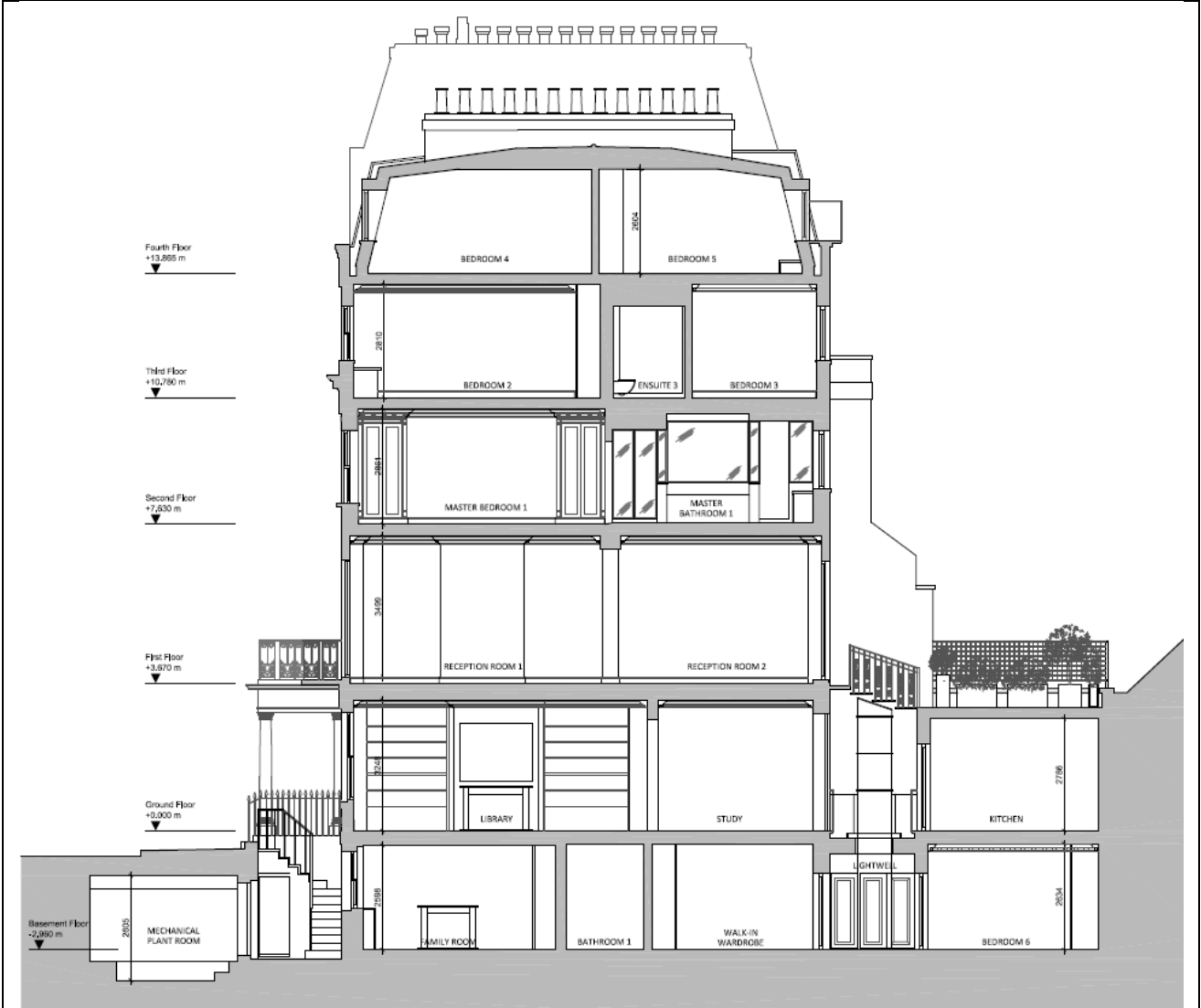
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: LOUISE FRANCIS BY EMAIL AT [lfrancis@westminster.gov.uk](mailto:lfrancis@westminster.gov.uk)

**9. KEY DRAWINGS**





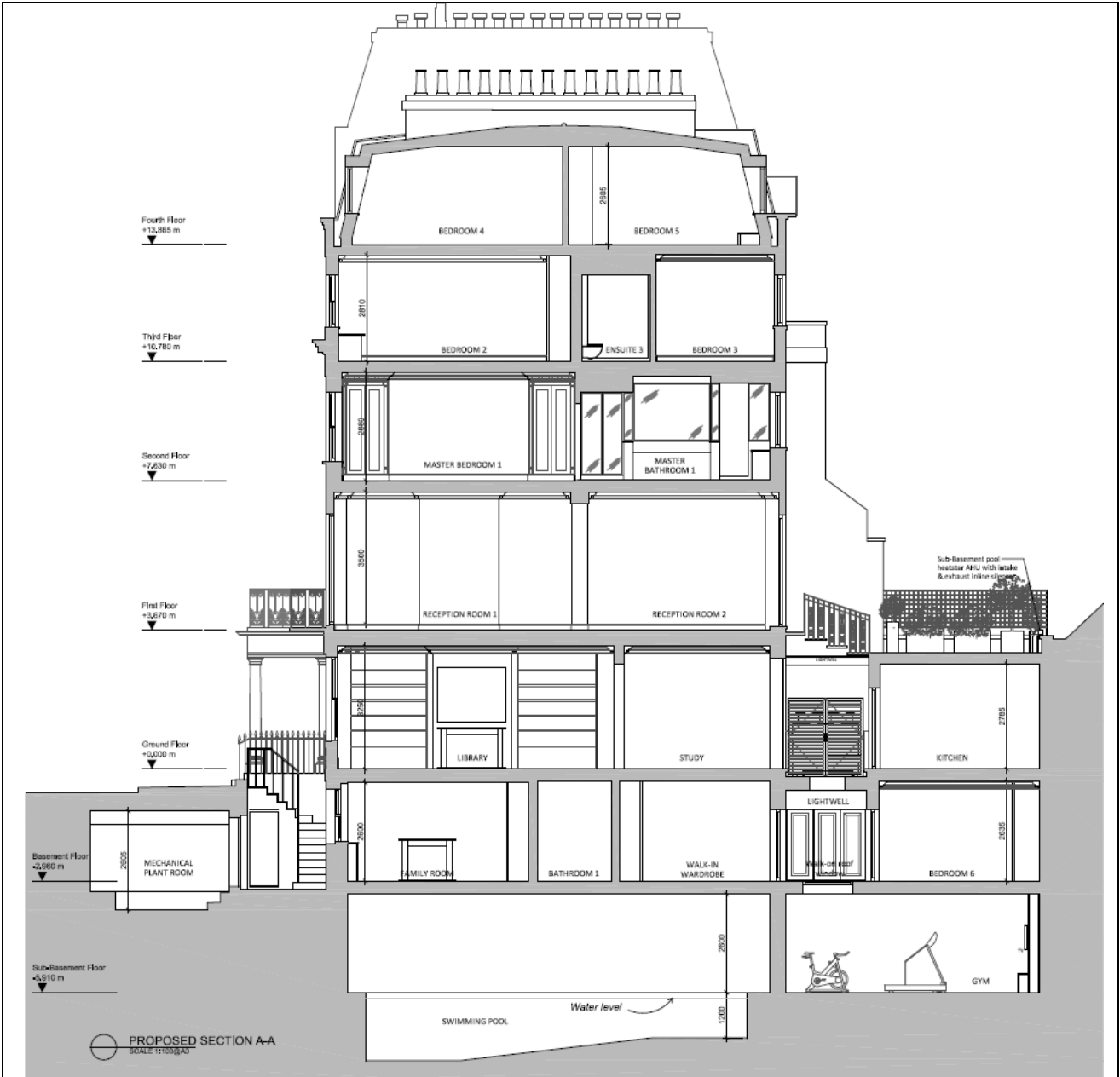
Proposed Floor Plans Sub-basement to First Floor



SECTION A-A AS EXISTING  
SCALE 1:100 @ A3

**Existing Section AA**





**Proposed Section AA**

**DRAFT DECISION LETTER – Planning Permission**

**Address:** 17 Chester Square, London, SW1W 9HS

**Proposal:** Excavation of a basement beneath the footprint of the dwelling, and associated plant in the rear lightwell.

**Reference:** 18/07471/FULL

**Plan Nos:** Site Location Plan; SK100; SK101; SK200; SK300 rev B; SK301 rev A; SK400; TW01; SK140 rev A; SK141 rev A; SK201; SK250; SK350 rev B; SK351 rev B; SK410; M-501 rev P3; M-502 rev P3; M-503 rev P3; M-504 rev P3; Heritage Statement (August 2018); Environmental Noise Survey and Plant Noise Assessment (November 2018); VRF replacement and ventilation strategy report (Cu-tec Building Services Design).

For Info Only:

Structural Methodology Statement (February 2019); Trial Hole Photo Schedule (February 2019); Flood Risk Assessment (August 2018); Archaeological Desk-Based Assessment (August 2018); Draft Appendix A (September 2018).

**Case Officer:** Joshua Howitt

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

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

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

Reason:

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

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
  - o between 08.00 and 18.00 Monday to Friday;
  - o between 08.00 and 13.00 on Saturday; and
  - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

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 Prior to the commencement of any:

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

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

Reason:

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

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

Reason:

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

- 5 (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)

- 6 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)

7. The noise attenuation measures as described in the acoustic report and specification from Cu-tec Building Services Design shall be installed prior to first operation of the plant, and thereafter maintained for as long as the plant remains in place.

**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 detailed drawings of the following parts of the development - screening to the lightwell plant and air intake extract pipes to the rear terrace.

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

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

**Reason**

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

**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 With reference to condition 3 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](mailto: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 the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement.

Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental 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.

- 3 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
- 4 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)

- 5 Conditions 5 and 6 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)
  
- 6 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.

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 – Listed Building Consent**

- Address:** 17 Chester Square, London, SW1W 9HS
- Proposal:** Excavation of a basement beneath the footprint of the dwelling, and associated plant in the rear lightwell and internal alterations.
- Reference:** 18/07472/LBC
- Plan Nos:** Site Location Plan; SK100; SK101; SK200; SK300 rev B; SK301 rev A; SK400; TW01; SK140 rev A; SK141 rev A; SK201; SK250; SK350 rev B; SK351 rev B; SK410; M-501 rev P3; M-502 rev P3; M-503 rev P3; M-504 rev P3; Heritage Statement (August 2018).

For Info Only:  
Structural Methodology Statement (February 2019).

**Case Officer:** Joshua Howitt

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

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

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

Reason:

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

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

Reason:

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



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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in 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 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

- 4 The staircase between ground and lower ground floor must be retained in situ and protected during the course of works in accordance with the structural statement.

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 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

- 5 You must not disturb existing original floor boards and structure at ground floor and above unless changes are shown on the approved drawings. (C27MA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in 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 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

- 6 All new internal pipework shall be located within existing voids and shall not disturb original fabric.

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 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

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

Reason:

To protect the special architectural or historic interest of this 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 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

8. You must apply to us for approval of detailed drawings of the following parts of the development - screening to the lightwell plant and air intake extract pipes to the rear terrace.

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

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

Reason

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

**Informative(s):**

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

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

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

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

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

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

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

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

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Item No.
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<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 16 <sup>th</sup> July 2019	<b>Classification</b> For General Release	
<b>Report of</b> Director of Place Shaping and Town Planning		<b>Ward(s) involved</b> Bayswater	
<b>Subject of Report</b>	<b>23 Sutherland Place, London, W2 5BZ</b>		
<b>Proposal</b>	Removal of front balcony structure and replacement with new balcony structure and associated works, and repair works to front porch.		
<b>Agent</b>	Rosling And Bose		
<b>On behalf of</b>	Rosling and Bose		
<b>Registered Number</b>	18/05319/FULL, and 18/05320/LBC	<b>Date amended/ completed</b>	29 April 2019
<b>Date Application Received</b>	25 June 2018		
<b>Historic Building Grade</b>	II		
<b>Conservation Area</b>	Westbourne		

## 1. RECOMMENDATION

<ol style="list-style-type: none"> <li>1. Grant conditional permission and conditional listed building consent.</li> <li>2. Agree reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter.</li> </ol>
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## 2. SUMMARY

<p>Permission and consent are sought for the removal of front balcony structure and replacement with new balcony structure (part retrospective) and associated works, and repair works to front porch.</p> <p>The key consideration in this case is:</p> <ul style="list-style-type: none"> <li>• The impact of the works on the character and appearance and significance of the listed building and adjoining buildings and Westbourne Conservation area.</li> </ul> <p>Given the circumstances of the case, the proposed development would be consistent with relevant design and amenity policies in the Unitary Development Plan (UDP) and Westminster's City Plan (the City Plan) and as such, the application is recommended for approval subject to the conditions set out in the draft decision letter.</p>
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3. LOCATION PLAN



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4. PHOTOGRAPHS

Front Elevation Prior to Removal of Balcony



Front Elevation After Removal of Balcony





Close Up of Remains of Balcony Structure



View of Balcony Structures of Buildings Adjoining to South of no. 23



## 5. CONSULTATIONS

### NOTTING HILL EAST NEIGHBOURHOOD FORUM:

State that the proposals are approved subject to receiving measured detailing of a section drawing through the restored balcony showing the correct historic profile.

### BUILDING CONTROL:

State that they have no adverse comments regarding the proposals.

### HISTORIC ENGLAND

State that they do not consider that it is necessary for the application to be notified to Historic England under the relevant statutory provisions.

### NATIONAL AMENITY SOCIETIES

Any responses to be reported verbally.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 7

Total No. of replies: 12 objections in total received from two neighbours in adjacent property

No. of objections: 2

No. in support: 0

Objections on the following grounds

#### Design:

- Concern expressed about a perceived lack of details on the final finishes and detailing of the new balcony proposed.

#### Structural Integrity:

- Concerns expressed about the structural implications of the proposed works on both no. 23 Sutherland Place and also adjoining buildings.
- Concern about a lack of accurate survey drawings or information suggesting that the engineers have not undertaken an accurate survey of the existing building, and about inaccurate information and drawings given on the structure of the building.
- Comments given on the existing condition and structure of the balcony to the front of no. 23 Sutherland Place.
- Concern about previous structural works carried out at both nos. 22 and 23 Sutherland Place and the structural implications those works have had upon the buildings, and a history given as to previous structural works and issues to these buildings and resulting actions taken.
- Concern about on-going structural issues at nos. 22 and 23 Sutherland Place, and that the works proposed could exacerbate these issues.
- Concern expressed about the lack of measures in the application to address the concerns about the existing on-going structural issues.
- Request for a more sensitive traditional repair to the balcony.
- State that further structural repairs are required to the front of nos. 22 and 23 Sutherland Place.

- Request for an urgent site visit by the City Councils District Surveyors Service to discuss structural issues.
- Statement that a Civil Engineer is submitted objections.
- State that an application is intended by the objectors for works to the front wall foundations at nos. 23 and 22 Sutherland Place.

Other Issues:

- Query whether permission has been granted for the removal of the balcony.
- State that the works will impinge on the party wall and a party wall agreement would be required.
- State that they are unaware of other houses in this listed terrace with similar construction, or that any other house has had to replace the existing original structure.
- State that legal action will be considered if permission and consent are granted.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## **6. BACKGROUND INFORMATION**

### **6.1 The Application Site**

No. 23 Sutherland Place is a mid-terrace house of basement, ground and three upper floors. The building and terrace of which it is a part dates from the mid 19<sup>th</sup> century. The building is Grade 2 listed and is located within the Westbourne Conservation Area, and it is use as a single dwelling house.

### **6.2 Recent Relevant History**

On 11<sup>th</sup> January 2019 the City Council served a Dangerous Structure Notice on the balcony structure to the front elevation of no. 23 Sutherland Place.

On 9<sup>th</sup> May 2019 listed building consent was granted for a scheme at no. 22 Sutherland Place comprising works of underpinning below front wall and front of party wall between nos. 22 and 23, and including repairs to the porch and front door lintel and pilaster and the facade stucco at basement and ground floor levels.

## **7. THE PROPOSAL**

The applications seek permission and consent for works to the front balcony area of the building at first floor level, with the original balcony removed and a new concrete balcony structure proposed including the re-installation of the metal railings on the balcony. Repair works are also proposed to the front porch structure.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The applications do not raise any land use issues.

## 8.2 Townscape and Design

In common with the other terraced properties in this terrace, no. 23 Sutherland Place was originally constructed with a balcony structure projecting from the front elevation at first floor level, and each building was also constructed with projecting entrance porch structures at ground floor level.

The balcony structure to no. 23 Sutherland Place was likely to have been original to the mid 19<sup>th</sup> century construction of the building, and appears formed with clay tiles supported by iron bars surrounded by mortar sealed with a cement finish. At the initial submission of the application the applicants advised that the balcony structure was in poor condition and was required to be removed and replaced, and it was supported by temporary propping. The City Council since served a Dangerous Structure Notice on the balcony, and it was subsequently removed to its approx. 2.7m width. Whilst recognising the stated desire of the objectors for repair works to be carried out to the existing balcony structure, given the above circumstances the removal carried out was not considered unacceptable in itself.

The applications seek to install a new balcony structure in concrete with steel supports set into the front elevation of the building. A replacement of an original balcony with a new concrete structure would not normally be acceptable to a listed building as it would mean a loss of original fabric and its replacement with a modern material. In this case however, given the removal of the previous balcony following the serving of a Dangerous Structures Notice the loss of historic fabric, though regrettable, is considered justifiable due to its poor condition. Officers have explored with the applicants the possibility of introducing a new Portland stone balcony which would allow for a more traditional material to be used which is not uncommonly found to balcony structures within Westminster (albeit not one originally used to this location) however they have advised that they consider that structurally it is not possible to construct such a stone balcony structure without adding brackets or similar supports to the underside of the balcony. It is recognised that such brackets would have an adverse impact on the slenderness and horizontal emphasis of the balcony structure, which is an important part of its character and of the continuous run of balconies and porch roofs along the terrace as a whole.

The new balcony proposed will match the position, profile, depth, width and fall of the balcony previously removed, which will restore the appearance of the former balcony structure, if not the original materials, and which is considered to cover the point raised by the Notting Hill East Neighbourhood Forum. Given that the proposed concrete balcony will match the dimensions of the original and will have the historic ironwork retained and reinstated, it is concluded that in the particular circumstances of this case a justification can be made for the approach proposed in the application.

Details of finishes to the balcony structure including the detailing of how it will abut existing retained structures to the front of the building, which are points raised in the objections received, will be secured by condition to ensure they are appropriate to the building and help the appearance integrate with the pattern of balcony extensions to the street.

The railings which were to the front edge of the previous balcony structure are to be reused on the new balcony, and will be painted black to ensure they maintain a

traditional appearance. The re-use of this element of the historic fabric of the building is supported, and will help ensure that the new balcony structure will reflect the appearance of the previous one in place to the building.

The objectors state that they are unaware of other houses in the listed terrace having had to replace original balconies. Whilst there are no application details apparent to suggest applications for such works in recent years, from a visual inspection some more modern balcony structures may appear in place to other buildings. Notwithstanding such changes, for which there is no specific evidence other than the visual inspection from street level, the current applications propose the replacement of the balcony to the front elevation of this building, and these must be considered on their planning merits.

There are several minor areas to the underside of the ceiling to the front entrance porch to no. 23 Sutherland Place where the plaster finishes are in poor condition, and the proposed repair works to these plaster finishes in lime based render is considered acceptable. Internally to ground floor level the ceiling fabric appears more modern and the works therefore will have a lesser impact on the significance of the building in terms of the impact on the interior.

Given the above comments, in the specific circumstances of this case the proposals are considered to accord with design policies DES 1, DES 5, DES 9 and DES 10 of the UDP; and S25 and S28 of the City Plan. The recommendation on the applications is considered in line with the statutory duties set out in s. 66 and s. 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **8.3 Residential Amenity**

A condition is recommended restricting the hours of works to ensure that the construction of the new balcony structure does not adversely affect the amenity of surrounding residents. Subject to this condition the proposals do not raise any unacceptable impact in terms of residential amenity.

### **8.4 Transportation/Parking**

The applications do not raise any transportation/parking issues.

### **8.5 Economic Considerations**

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

### **8.6 Access**

The applications do not raise any access issues.

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

None applicable.

### **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, the draft plan has been revised and formal consultation is now being carried out under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012 between Wednesday 19 June 2019 and Wednesday 31 July 2019. In the case of a draft local plan that has been published for consultation under Regulation 19 of the Town and Country Planning Act (Local Planning) (England) Regulations 2012, including a second revision Regulation 19 plan, it remains at a pre-submission stage (i.e. has yet to be submitted to the Secretary of State for Examination in Public) and therefore, having regard to the tests set out in para. 48 of the NPPF, it will generally attract very limited weight at this present time.

### **8.9 Neighbourhood Plans**

There are no neighbourhood plans relevant for this area.

### **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.

### **8.13 Environmental Impact Assessment**

The application proposals are not of a scale to give rise to any issues with regards to Environmental Impact Assessments.

### **8.14 Other Issues**

Strong objections have been raised by the occupiers of an adjoining building citing various issues related to concerns about the structural implications of the works on both nos. 22 and 23 Sutherland Place and the condition of the buildings, as set out above in this report.

Structural issues resulting from development works such as the ones raised by the objectors are an issue which are at the heart of concerns expressed by residents across many central London Boroughs. 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.

To address this the applicant has provided a structural methodology statement and structural report and other information on the structural approach and sequencing of the works. Any reports and other such information on the structural approach by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage.

The purpose of this information at the planning application stage is to demonstrate that the works can be constructed on the particular site having regard to the site and existing structural conditions. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the works 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.

The submitted structural methodology report and other accompanying structural information has been considered by our Building Control officers who advised that they have no adverse comments to make. We are not approving this report or accompanying structural information, or conditioning that the works shall necessarily be carried out in accordance with the report. Their purpose is to show, with the integral 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 and accompanying information will be attached for information purposes to the decision letter. It is considered that this is as 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. Mindful of the above, whilst recognising the strong concerns received from the objectors, the applications are not considered unacceptable on grounds of the structural concerns expressed in the objection letters. An informative is attached to the draft decision letter advising that further permission and/or consent may be required if the scheme changes in its nature.

The comments made in the objection letters suggesting other works to be carried out to nos. 22 and 23 Sutherland Place including to front elevation and party wall structures and other locations are noted, however the application proposes a specific package of works which is due to be considered on its merits. The statement made in the objection letters received regarding the intention to submit an application to cover structural works to nos. 22 and 23 Sutherland Place is noted, and it is acknowledged that on 9<sup>th</sup> May 2019 consent was granted for works comprising of underpinning below front wall and

front of party wall between nos. 22 and 23 and other repair works. Notwithstanding this consent however, the current applications must be judged on their planning merits.

The statement made in the objections received that a party wall agreement would be required is noted, however this would be a private matter between the two parties to either side of a party wall.

The concerns expressed by objectors regarding the wall thickness and internal floor structure of the building have been raised with the applicants and subsequent confirmation has been given on the wall thickness and that the steel supports into the front elevation of the building can be set between internal floor joists. During the course of the application process revised drawings were received, and the application submission is considered to appropriately describe the proposals for which planning permission and listed building consent are sought.

The objectors make reference to a request for the City Councils District Surveyors Service to visit the site. The request is noted and has been passed on to the relevant team. Notwithstanding this, the building control team have considered the application proposals and consider that they have no adverse comments regarding the proposals.

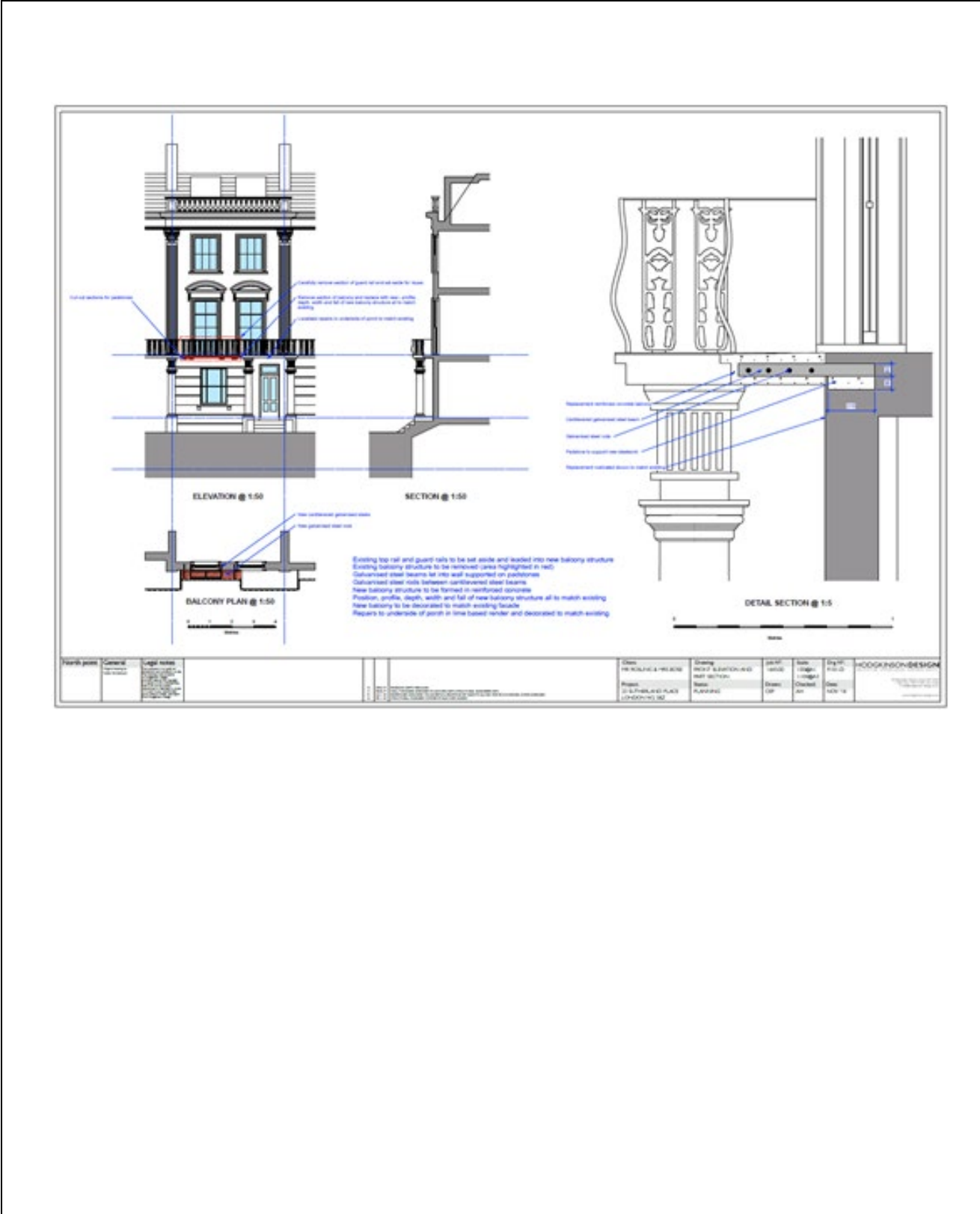
The objections received state that legal action will be considered if permission and consent are granted, however these applications must be considered on their merits, and for the reasons set out in this report are recommended for approval.

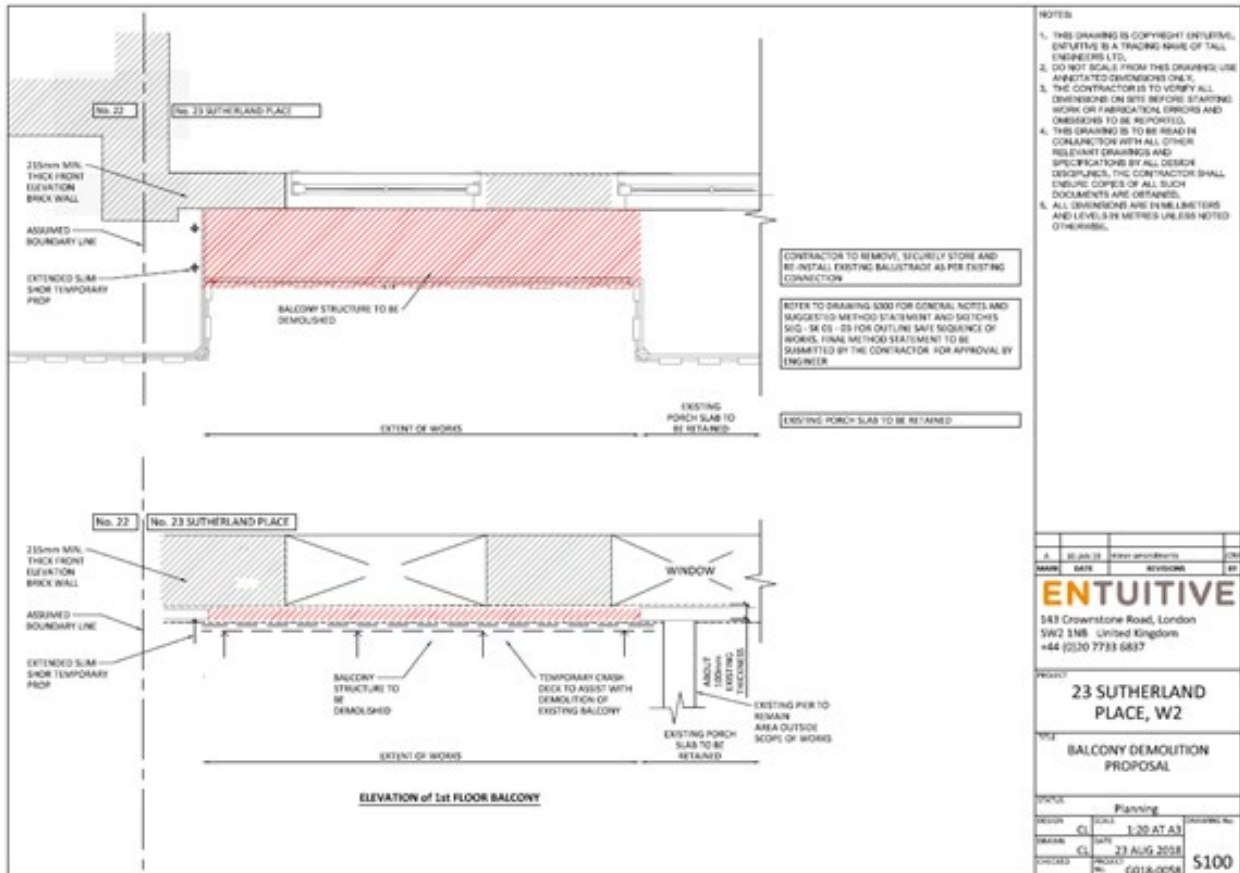
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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



9. KEY DRAWINGS





**DRAFT DECISION LETTER**

**Address:** 23 Sutherland Place, London, W2 5BZ

**Proposal:** Removal of front balcony structure and replacement with new balcony structure (part retrospective) and associated works, and repair works to front porch.

**Reference:** 18/05319/FULL

**Plan Nos:** Block plan, Location plan, site photos, Statement titled 'Justification for Rebuilding the Balcony', S100, S201, S000, P.101-D, S200, S201, Letters from Hodgkinson Design dated 24th October 2018 30th November 2018 7th February 2019 and 14th February 2019, Design and Access Statement (as amended by drawings above), Heritage Statement (as amended by drawings above)

Considered for Information Only:

Structural Methodology Statement, SEQ-SK01, SEQ-SK02, SEQ-SK03, Structural Report on Front Balcony dated January 2019 ,

**Case Officer:** Alistair Taylor

**Direct Tel. No.** 020 7641 2979

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

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this 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 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

- 3 You must apply to us for approval of details including plan, elevation and reflected ceiling (to show underside of the balcony structure) drawings annotated to show the external finishes to the new balcony structure. You must not start any work on these parts of the development until we have approved what you have sent us., , You must then carry out the work according to these drawings with annotations of materials. (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 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

- 4 You must apply to us for approval of details of any fixings or jointing of the new balcony structure to the existing adjoining retained balcony or porch structures, including annotations of materials for finishes (as appropriate). You must not start any work on these parts of the development until we have approved what you have sent us., , You must then carry out the work according to these drawings. (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building. 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 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

- 5 As an integral part of the works for the installation of the new balcony structure, the railings shall be reinstated to the new balcony structure in a position to match their position on the balcony structure removed, and shall be painted and permanently maintained in a black colour

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 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

- 6 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 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BD)

**Informative(s):**

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building., , In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.
- 2 This permission is based on the drawings and reports submitted by you including the structural methodology report and associated drawings. 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.
- 3 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)
- 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>
- 5 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, and may need listed building consent if the changes affect the significance of the listed building. (I23AA)

- 6 We recommend you speak to the Head of the District Surveyors' Services about the stability and condition of the walls to be preserved. He may ask you to carry out other works to secure the walls. Please phone 020 7641 7240 or 020 7641 7230. (I22AA)
  
- 7 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).

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.

**Address:** 23 Sutherland Place, London, W2 5BZ

**Proposal:** Removal of front balcony structure and replacement with new balcony structure (part retrospective) and associated works, and repair works to front porch. (Linked with 18/05319/FULL)

**Reference:** 18/05320/LBC

**Plan Nos:** Block plan, Location plan, site photos, Statement titled 'Justification for Rebuilding the Balcony', S100, S201, S000, P.101-D, S200, S201, Letters from Hodgkinson Design dated 24th October 2018 30th November 2018 7th February 2019 and 14th February 2019, Design and Access Statement (as amended by drawings above), Heritage Statement (as amended by drawings above), , Considered for Information Only:, Structural Methodology Statement, SEQ-SK01, SEQ-SK02, SEQ-SK03, Structural Report on Front Balcony dated January 2019 ,

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**BACKGROUND PAPERS - 23 Sutherland Place, London, W2 5BZ 18/05319/FULL and 18/05320/LBC**

1. Application form.
2. Letter from Notting Hill East Neighbourhood Forum received 31<sup>st</sup> July 2018.
3. Email from Historic England dated 22 February 2019.
4. Emails from Building Control dated 30<sup>th</sup> April 2019 and 8<sup>th</sup> May 2019 including copy of Dangerous Structure Notice dated 11<sup>th</sup> January 2019.
5. Letters and emails from occupiers of 22 Sutherland Place, London, dated or received 28<sup>th</sup> July 2018, 31<sup>st</sup> July 2018, 24<sup>th</sup> September 2018, 26<sup>th</sup> September 2018, 13<sup>th</sup> January 2019, 4<sup>th</sup> February 2019, two emails dated 4<sup>th</sup> March, 5<sup>th</sup> March 2019, 16<sup>th</sup> May 2019

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