



City of Westminster

Committee Agenda

Title:

Planning Applications Sub-Committee (2)

Meeting Date:

Tuesday 5th April, 2022

Time:

6.30 pm

Venue:

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

Members:

Councillors:

Louise Hyams (Chairman)
Tony Devenish
Antonia Cox
Tim Roca



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

Committee members will attend the meeting in person at Westminster City Hall. The Committee will be a hybrid Meeting and will be live broadcast via Microsoft Teams. 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.

If you require any further information, please contact the Committee Officer, Georgina Wills, Committee and Governance Officer.

**Tel: 07870 548348; email: gwillis@westminster.gov.uk
Corporate Website: www.westminster.gov.uk**

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note that Councillor Tim Roca had replaced Councillor Nafsika Butler-Thalassis.

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 pecuniary interests or any other significant interest in matters on this agenda.

3. MINUTES

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

(Pages 5 - 10)

4. TREE PRESERVATION ORDER NO. 684 – ST GABRIEL’S CHURCH WARWICK SQUARE LONDON

(Pages 11 - 20)

5. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

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

To register to speak and for guidance please visit:

<https://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 at the hybrid meeting please read the guidance, in order to familiarise yourself with the process prior to joining the remote

meeting.

All committee meetings open to the public are being broadcast live using Microsoft Teams. For information on participating in the virtual Committee please see the following link

<https://www.westminster.gov.uk/stream-council-meetings>

To access the recording after the meeting please revisit the Media link

1.	12 SOHO SQUARE AND 3-7 SOHO STREET LONDON W1D 3QF	(Pages 25 - 66)
2.	30 SACKVILLE STREET LONDON W1S 3DY	(Pages 67 - 112)
3.	ST MARKS COURT ABERCORN PLACE LONDON NW8 9AN	(Pages 113 - 162)
4.	12 MARYLEBONE MEWS LONDON W1G 8PX	(Pages 163 - 176)
5.	14 ST PETERSBURGH PLACE LONDON W2 4LB	(Pages 177 - 214)
6.	23A WESTBOURNE PARK ROAD LONDON W2 5PX	(Pages 215 - 234)
7.	2 ASHBRIDGE STREET LONDON NW8 8DS	(Pages 235 - 250)
8.	PORCHESTER CENTRE, PORCHESTER ROAD, LONDON, W2 5HS	(Pages 251 - 274)

Stuart Love
Chief Executive
25 March 2022

Order of Business

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

Order of Business
i) Planning Officer presentation of the case
ii) Applicant and any other supporter(s)
iii) Objectors
iv) Amenity Society (Recognised or Semi-Recognised)
v) Neighbourhood Forum
vi) Ward Councillor(s) and/or MP(s)
vii) Council Officers response to verbal representations
viii) Member discussion (including questions to officers for clarification)
ix) 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)** held on **Tuesday 8th February, 2022**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Louise Hyams (Chair), David Boothroyd, Antonia Cox and Tony Devenish

Also Present: Councillor Tim Mitchell addressed the Sub-Committee on Items 3 and 4 in his capacity as Ward Councillor.

1 MEMBERSHIP

- 1.1 It was noted that Councillor David Boothroyd had replaced Councillor Nafsika Butler-Thalassis.

2 DECLARATIONS OF INTEREST

- 2.1 Councillor Hyams explained that a week before the meeting, all four Members of the Sub-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 emails containing objections or giving support. Members of the Sub-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 Sub-Committee, it did not mean that the issue had been ignored. Members would have read about the issue and comments made by correspondents in the papers read prior to the meeting.
- 2.2 Councillor Boothroyd declared that he was the Head of Research and Psephology for Thorncliffe, whose clients were companies applying for planning permission from various local authorities. He was precluded from working on any scheme in Westminster under the company's code of conduct. Savills and Gerald Eve were planning consultants for some Thorncliffe clients, and also acted for some applicants. He did not deal directly with clients or

other members of project teams, and planning consultants were not themselves clients.

- 2.3 Councillor Boothroyd also declared that in respect of Item 1 Paul Dimoldenberg of the Hyde Park Labour Action Team was a friend, but they had not discussed the application.
- 2.4 Councillor Cox declared that in respect of Item 1 the application site was situated within a ward she would be standing in and was also aware of some views expressed about the application. Therefore, she would step down from the Sub-Committee and leave the room during consideration of this item.
- 2.5 Councillor Hyams declared that in respect of Items 3 and 4, the sites were located within her ward, but she had held no discussions regarding them with any parties

3 MINUTES

3.1 RESOLVED:

That the minutes of the meeting held on 7 December 2021 be signed by the Chair as a correct record of proceedings.

4 PLANNING APPLICATIONS

1 48 CHAPEL STREET, LONDON, NW1 5DH

Application 1

Demolition of the existing building and erection of a part 3 storey and part 7 storey (plus basement) hotel (Use Class C2), public house (Sui Generis Use) and retail premise (Class E); including excavation of basement, bin and bike storage, rooftop plant, new tree.

Application 2

Relocation of two phone boxes from the corner of Old Marylebone Road and Chapel Street to Chapel Street.

An additional representation was received from Councillor Paul Dimoldenberg (03.02.22).

Late representations were received from a local resident (07.02.22) and Conciliocomms (04.02.22).

Councillor Cox declared that she had a prejudicial interest in the application and therefore left the room during the consideration of this item

Simon Wallis addressed the Sub-Committee in support of the application.

Elliott Hathaway addressed the Sub-Committee in support of the application.

RESOLVED (Councillors Hyams and Devenish For, Councillor Boothroyd Against):

That the changes to the bulk and mass of the building had sufficiently addressed concerns in relation to loss of light to Wallace Court and therefore it was resolved:

Application 1

- 1) That conditional permission be granted subject to completion of a Section 106 Legal Agreement to secure the following:
 - i. Planting of a replacement tree at the junction of Chapel Street and Old Marylebone Road prior to occupation and provision of a management plan to ensure its retention and ongoing future maintenance.
 - ii. Provision of a financial contribution of £12,476.86 (index linked) Westminster's employment, training and skills development fund prior to the commencement of development.
 - iii. Highways works necessary to facilitate the proposed development.
 - iv. Provision of a financial contribution of £66,405 to the Carbon Offset Fund (index linked) payable prior to the commencement of development; and
 - v. The costs of monitoring the S106 legal agreement.
2. That if the S106 legal agreement had not been completed within six weeks of the date of the Sub-Committee's resolution, then:
 - a) The Director of Place Shaping and Town Planning should consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Place Shaping and Town Planning was authorised to determine and issue the decision under Delegated Powers; however, if not;
 - b) The Director of Place Shaping and Town Planning should consider whether the permission should be refused on the grounds that the proposals were unacceptable in the absence of the benefits which would have been secured; if so, the Director of Place Shaping and Town Planning was authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

Application 2

- 1) That conditional listed building consent be granted.
- 2) That the reasons for granting conditional listed building consent as set out in Informative 1 on the draft decision letter be agreed.

2 4 THE LANE, LONDON, NW8 0PN

Excavation of new basement below footprint of existing dwelling extension, partially below the garden to the rear, and driveway to the front together with new lightwells on the front, side and rear elevations.

Simon Levy addressed the Sub-Committee in objection to the application.

RESOLVED UNANIMOUSLY:

That conditional permission be granted.

3 21 THE MARKET, COVENT GARDEN, LONDON

Addition of a new external bar and pizza oven located in the existing south side demised external seating of restaurant.

Miriam Holland, representing the Covent Garden Area Trust, addressed the Sub-Committee in objection to the application.

Councillor Tim Mitchell addressed the Sub-Committee in his capacity as Ward Councillor in objection to the application.

UNANIMOUSLY RESOLVED:

That contrary to the officers' recommendation the Sub-Committee refused the application on the grounds that the bar, pizza oven and servery would harm the setting of the Grade II* listed Covent Garden Market Building and fail to maintain or improve (preserve or enhance) the character and appearance of the Covent Garden Conservation Area.

4 27B THE MARKET, COVENT GARDEN, LONDON, WC2E 8RD

Use of 3 areas of public highway measuring 7.1m x 7.1m, 7.3m x 8.9m and 6.3m x 8.8m for the placing of 108 chairs, 24 tables, planters, windscreens, 5 parasol bases and new services below existing cobbles, installation of external service station, placement of waiter stations, external alterations to existing window in south elevation, and associated works.

Late representations were received from Capco (undated) and the Applicant (04.02.22).

Ozgur Karakas addressed the Sub-Committee in support of the application.

Christopher Denness addressed the Sub-Committee in support of the application.

Miriam Holland, representing the Covent Garden Area Trust, addressed the Sub-Committee in objection to the application.

Councillor Tim Mitchell addressed the Sub-Committee in his capacity as Ward Councillor in support of the application.

RESOLVED (Councillors Hyams, Cox and Devenish For, Councillor Boothroyd Against):

That contrary to the officers' recommendation the Sub-Committee granted the application for a temporary period of two years due to the operational difficulties experienced by the unit and to help enable the post-pandemic economic recovery. The Decision Notice would be approved by officers under delegated powers in consultation with the Chair of Planning Committee (2).

5 38 BRUTON PLACE, LONDON, W1J 6NX

Use of the ground floor as a retail unit (Class E) and associated alterations.

An additional representation was received from an interested party (03.02.22).

Harriett Young, representing a local resident, spoke in objection to the application.

RESOLVED UNANIMOUSLY:

- 1) That conditional planning permission and conditional listed building consent be granted subject to the following additional conditions:
 - i) Servicing of the unit to be restricted to between the hours of 10am and 4pm Monday to Saturday only;
 - ii) Waste collection from the unit to be restricted to between the hours of 10am and 6pm Monday to Friday only; and
 - iii) No music to be played at the unit.
- 2) That the reasons for granting conditional listed building consent as set out in Informative 1 on the draft decision letter be agreed.

PART 2 (CONFIDENTIAL)

The Chair moved and it was

RESOLVED: That under Section 100 (a) (4) and Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended), the public and press be excluded from the meeting for the following Item of Business because it involves the likely disclosure of exempt information relating to the financial or business affairs of any particular person (including the Authority holding that information) and it is considered that, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

6 32 CLIFTON HILL, LONDON, NW8 0QG

Application 1

30 Clifton Hill: 1 x London plane (T1, rear): fell

Application 2

32 Clifton Hill: 1 x lime (T4, front): fell

RESOLVED UNANIMOUSLY:

Application 1: 21/06313/TPO

That conditional consent be granted.

Application 2: 21/06314/TPO

That conditional consent be granted.

The Meeting ended at 8.44pm.

CHAIRMAN: _____

DATE _____

Executive Summary and Recommendations

Title of Report: Tree Preservation Order No. 684 – St
Gabriel's Church Warwick Square London

Date: 5th April 2022



Summary of this Report

CITY OF WESTMINSTER TREE PRESERVATION ORDER 684 (2021) and CITY OF WESTMINSTER TREE PRESERVATION ORDER 678 (2021)

The City Council initially made provisional Tree Preservation Order (TPO) 678 (2021). The decision on whether to confirm the Order was intended to be made by the Planning Application Sub-Committee on 9th November 2021 however, a decision was not made within the statutory timeframe and therefore the Order lapsed.

On 17th November 2021 the City Council made provisional Tree Preservation Order 684 (2021) to protect one Bay tree (labelled T1 on the TPO plan) located in the garden which surrounds St Gabriel's Church, Warwick Square. The TPO was made because the tree makes a valuable contribution to amenity, to the outlook from nearby properties and to the character and appearance of the Pimlico conservation area. The TPO is provisionally effective for a period of six months from the date it was made (17th November 2021) during which time it may be confirmed with or without modification. If not confirmed, the TPO will lapse after 17th May 2022. For all intents and purposes the new Order replaces the lapsed Order.

The TPO was made following receipt of six weeks' notice of intent (a S211 notification) to remove one Bay tree (T1) from the garden of St Gabriel's Church, Warwick Square. The tree is protected by virtue of its location within the Pimlico conservation area. The reason given for the proposed removal of the tree is that it has previously damaged the churchyard wall and is likely to cause further damage in the future. The City Council considered it expedient and in the interests of amenity that a TPO was made to protect the tree, in order to safeguard its preservation and future management.

In general terms the confirmation of a provisional TPO does not preclude the appropriate management or removal of the protected tree in the future, subject to the merits of a TPO application.

Objection to the TPO has been received from:-

- **Simon Pryce Arboriculture**, CP House, Otterspool Way, Watford WD25 8HP
(Agent on behalf of St Gabriel's Church)

The City Council's Arboricultural Officer has responded to the objection.

Recommendations

The Sub-Committee should decide EITHER

(a) TO CONFIRM Tree Preservation Order No. 684 (2021) with or without modification with permanent effect: OR

(b) NOT TO CONFIRM Tree Preservation Order No. 684 (2021).



City of Westminster

Committee Report

Item No:	
Date:	5 th April 2022
Classification:	General Release
Title of Report:	Tree Preservation Order No. 684 (2021) St Gabriel's Church, Warwick Square, London
Report of:	St Gabriel's Church, Warwick Square, London
Wards involved:	Warwick
Policy context:	No requirement to have regard to Development Plan policies when confirming a TPO but special attention must be paid to desirability of preserving enhancing the character and appearance of the conservation area Notwithstanding the above – the following planning policies are of relevance: 32, 34, 39 of the City Plan 2019 - 2040 April 2021
Financial summary:	No financial issues are raised in this report.
Report Author:	Isaac Carter and Georgia Heudebourck
Contact details	lcarter@westminster.gov.uk georgia.heudebourck@rbkc.gov.uk

1. Background

- 1.1 Under the Town and Country Planning Act 1990 (the “1990 Act”) and the Town and Country Planning (Tree Preservation) (England) Regulations 2012 (the “2012 Regulations”) the City Council has the power to make and to confirm Tree Preservation Orders within the City of Westminster. Tree Preservation Order 684 (2021) authorised under delegated powers was served on all the parties whom the Council is statutorily required to notify and took effect on 17th November 2021.
- 1.2 The purpose of a Tree Preservation Order is to protect the tree or trees concerned in the interest of amenity and, to this end, to control their management and replacement if they must be removed. The presence of a Tree Preservation Order does not prevent works to the tree being undertaken, but the TPO does give the Council the power to control any such works or require replacement if consent is granted for the tree to be removed.
- 1.3 Tree Preservation Order 684 (2021) was made following the receipt by the City Council of six weeks’ notice of intention to remove the Bay tree (shown labelled T1 of the TPO Plan). Under s211 of the 1990 Act it is a defence to the offence of removing a tree in a conservation area if the person undertaking the works has provided 6 weeks’ notice to the local planning authority in advance of doing so. The service of such a notice effectively leaves the City Council in a position where it must either accept the notice and allow for the tree to be removed or to take further protective action by making a TPO.
- 1.4 The tree is located in the garden which surrounds St Gabriel’s Church, on the northwest boundary which is opposite numbers 29 to 32 Warwick Square. It is clearly visible from that stretch of Warwick Square and also from the far side of St Georges Drive and Cambridge Street. The bay tree is about 10m tall with an oval canopy. It is considered to have a good form.
- 1.5 The tree is a mature specimen and appears to be in good condition. It has a long-life expectancy. It has been subject to modest crown reductions in the past to maintain it at an appropriate size for its location and it would be reasonable to continue to manage it in this way. This pruning does not detract from the condition or appearance of the tree. The tree is considered by the Council’s Tree Section to make a valuable contribution to amenity, to the outlook from nearby properties and to the character and appearance of the conservation area. The Provisional TPO was subsequently made for the reasons set out above and as more particularly set out in the Arboricultural Officer’s report.

1.6 The initial reasons given by the Applicant for the proposed removal of the tree were:

- The tree has previously damaged the churchyard wall and is likely to cause further damage in the future.

1.7 Subsequent to making TPO 678 the City Council received one objection. TPO 678 has lapsed and has been replaced by TPO 684 and so the objection received to TPO 678 is to be considered with respect to TPO 684.

2 Objection

2.1 The Council's Legal Service received a letter dated 8 June 2021 from Simon Price Arboriculture objecting to the TPO on the grounds that:

- The amenity value of the bay tree T1 does not outweigh the problems associated with the damage it is causing to the boundary wall of the Grade II* listed building, which cannot be repaired properly with the tree in situ;
- Reducing the tree periodically would contain the size of the crown and slow its overall growth, however the trunk would continue to expand causing more damage to the boundary wall and that the damage will worsen if the tree is not removed;
- The amenity value of the tree could be replaced by other existing trees and by the provision of a replacement tree within the church curtilage;
- The removal of the tree will improve views of the church;
- It is unlikely that it was intended or envisaged that the bay tree would have attained this size based on its location only 500mm from the wall and that many bay trees are commonly planted as shrubs and are managed by regular trimming.

3. Response to Objection

3.1 The City Council's Arboricultural Officer responded to the objection by letter dated 24 June 2021 and the following is a summary of the response;

- The bay tree has high amenity value and makes a positive contribution to the Pimlico Conservation Area;
- The tree is not especially large, it is appropriate in size and scale for its setting.
- The bay tree fits in well and links the more formal setting of the grid streets with the more leafy character of the open space at Warwick Square;

- The tree clearly has a main trunk and a tree-like and not a shrubby form and it has certainly been managed as a tree rather than a shrub. The bay tree does have high amenity value and the species of the tree wouldn't be a reason to remove it;
 - The Officer inspected the tree on 12 May 2021 and noted the wall showed signs of recent repairs but appeared to be in good condition with no bowing or cracking. The Officer determined that further repairs are currently unnecessary. The Officer also noted that the tree trunk is close to the wall but not touching and therefore any contact between the tree and the wall is likely to be between the buttress roots and the foundations;
 - The Officer suggested that should the wall be damaged in the future, there may be options for repair that could accommodate the tree roots and buttresses. Lintels over buttress roots could be considered. The Officer also suggested another solution would be to rebuild a section of the wall with the same materials but with a slightly thinner profile so that it is set back from the tree on the inner face but has the same appearance on the outer surface;
 - The Officer concluded that the bay tree has high amenity value and makes a positive contribution to the Pimlico Conservation Area. Its removal is not considered to be justified on the grounds of the potential future damage to the boundary wall.
4. The Council's Legal Service received five emails in support of the TPO from nearby properties on the grounds that:
- *"Not only would an unthinkable removal of the tree have extremely poor implications on the unique character of this Pimlico conservation area, but also deeply sadden the people living around it on a personal level, and as well I'm sure, animal/birds living in it"*
 - *"It would be devastating to see a beautiful and healthy tree taken down. It is a tree that is evergreen and adds important character to the area and church"*
 - *"We are living in a conservation area, and it is important for us that the character and appearance is conserved".*

5. Ward Member Consultation

- 5.1 Ward Members have been consulted in relation to this matter. No responses have been received at the time of finalising this report. Any responses received between the time of finalising this report and the date of the sub-committee will be presented at the sub-committee.

6. Conclusion

6.1 In light of the representations received from the objectors it is for the Planning Applications Sub-Committee to decide EITHER

(a) TO CONFIRM Tree Preservation Order No. 684 (2021) with or without modification with permanent effect.

(b) NOT TO CONFIRM Tree Preservation Order No. 684 (2021); OR

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT ISAAC CARTER, LEGAL SERVICES (Email lcarter@westminster.gov.uk) OR GEORGIA HEUDEBOURCK, LEGAL SERVICES (Email Georgia.heudebourck@rbkc.gov.uk)

Local Government (Access to Information) Act 1985

Background Papers

1. Copy of Provisional TPO 684 (2021).
2. Photograph of T1
3. Objection Letter from Simon Pryce Arboriculture dated 8 June 2021
4. Response Letter from City Council's Arboricultural Officer dated 24 June 2021
5. Emails in support of the TPO
6. Report of Council's Arboricultural Officer dated 9 November 2021 recommending making of the Provisional Order

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Agenda Annex

CITY OF WESTMINSTER PLANNING APPLICATIONS SUB COMMITTEE – 5th April 2022 PROVISIONAL SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
1.	RN(s): 19/06624/FULL West End	12 Soho Square and 3-7 Soho Street London W1D 3QF	Demolition of the existing buildings at 3-7 Soho Street and 12 Soho Square and redevelopment to create a new building, comprising basement, ground and first to sixth floor levels with terraces at fifth and sixth floor levels and a plant room at sixth floor level; installation of green roof areas at third, fifth and sixth floor levels and photovoltaic panels at roof level. Use of part ground and lower ground floors as a retail unit (Class A1) fronting Soho Street and dual/alternative retail (Class A1) or restaurant unit (Class A3) fronting Soho Square with the remainder of the building in use as office accommodation (Class B1).	Lothbury Property Trust
Recommendation 1. Grant conditional planning permission subject to the completion of a S106 agreement to secure the following planning obligations: <ul style="list-style-type: none"> a) A financial contribution of £55,804 (index linked and payable on commencement) to the Carbon Off-Setting Fund. b) All highway works on Soho Street relating to the removal of the redundant vehicle crossover and associated work (legal, administrative and physical). c) The costs of monitoring the agreement. 2. If the legal agreement has not been completed within 6 weeks of the date of the Sub-Committee meeting then: <ul style="list-style-type: none"> a) The Director of Place Shaping and Town Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not; b) The Director of Place Shaping and Town Planning shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers. 				
Item No	References	Site Address	Proposal	Applicant
2.	RN(s): 21/03068/FULL & 21/03069/LBC West End	30 Sackville Street London W1S 3DY	Internal and external alterations including the erection of a single storey conservatory extension at rear ground floor level for additional Class E floorspace (to be used in connection with the restaurant proposed in the main building) , installation of plant, provision for cycle parking, landscaping and other associated works incidental to the application proposals.	Raymond Estates Ltd
Recommendation 1. Grant conditional permission. 2. Grant conditional listed building consent. 3. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision notice.				
Item No	References	Site Address	Proposal	Applicant

CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 5th April 2022
PROVISIONAL SCHEDULE OF APPLICATIONS TO BE CONSIDERED

3.	RN(s): 21/06791/FULL Abbey Road	St Marks Court Abercorn Place London NW8 9AN	Erection of single storey roof extension, four storey rear extension and new basement level to provide 5 new residential dwellings (Class C3), additional bay windows to the façade, new entrance to Abbey Road, additional cycle parking and landscaping and associated works.	1 Bishops Avenue Ltd
	Recommendation 1. Grant conditional permission subject to a legal agreement to secure the following: <ul style="list-style-type: none"> a) All highway works immediately surrounding the site required for the development to occur prior to occupation of the development, including alterations to the vehicle crossover and for it to be to the Council's specification, at full cost (administrative, legal and physical) of the developer b) Provision of lifetime (25 year) car club membership for each new residential unit from first occupation of the development. 2. If the legal agreement has not been completed within 6 weeks of the date of the Sub-Committee meeting then: <ul style="list-style-type: none"> a) The Director of Place Shaping and Town Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not; b) The Director of Place Shaping and Town Planning shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers. 			
Item No	References	Site Address	Proposal	Applicant
4.	RN(s): 21/07283/FULL Marylebone High Street	12 Marylebone Mews London W1G 8PX	Installation of air source heat pump within acoustic enclosure to rear flat roof at second floor level; provision of new planter at second floor level; and associated works.	McCormick
	Recommendation Grant conditional planning permission.			
Item No	References	Site Address	Proposal	Applicant
5.	RN(s): 20/07873/FULL Lancaster Gate	14 St Petersburg Place London W2 4LB	Erection of a mews building of basement, ground and two upper floors for use ancillary to main dwellinghouse; erection of a lower ground floor extension to the main house at lower ground floor in association with the use of the basement as an studio ancillary to the main dwellinghouse; installation of an air source heat pump at roof level; installation of replacement windows at ground and first floor levels to the main property and reduction of garden level.	Mr & Mrs van Heusde
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Applicant

CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 5th April 2022
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

6.	RN(s): 21/06502/FULL Bayswater	23A Westbourne Park Road London W2 5PX	Excavation of rear basement incorporating rear lightwell with glazing above and new rooflight in connection with existing Flat A at basement and ground floor.	Charles
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Applicant
7.	RN(s): 21/08002/COFUL Church Street	Repeater Station 2 Ashbridge Street London NW8 8DS	Erection of an electrical substation to rear of new building and associated works including protective fencing.	Westminster City Council
	Recommendation Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992.			
Item No	References	Site Address	Proposal	Applicant
8.	RN(s): 21/08517/COFUL & 21/08518/COLBC Bayswater	Porchester Centre Porchester Road London W2 5HS	Installation of two Air Source Heat Pumps and associated plant, within new louvred areas at rear roof level.	Westminster City Council
	Recommendation 1. Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992. 2. Grant conditional listed building consent. 3. Agree reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter.			

Confirmation of TPO – Report from the Director of Law (not confidential)

Item No	References	Site Address	Proposal	Applicant
9.	RN(s): N/A Warwick	St Gabriel's Church Warwick Square London SW1V 2AD	Tree Preservation Order No.684.	N/A
	Recommendation N/A			

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Agenda Item 1

Item No.

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 5 th April 2022	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved West End	
Subject of Report	12 Soho Square and 3-7 Soho Street, London, W1D 3QF		
Proposal	Demolition of the existing buildings at 3-7 Soho Street and 12 Soho Square and redevelopment to create a new building, comprising basement, ground and first to sixth floor levels with terraces at fifth and sixth floor levels and a plant room at sixth floor level; installation of green roof areas at third, fifth and sixth floor levels and photovoltaic panels at roof level. Use of part ground floor as a retail unit (Class A1) fronting Soho Street and dual / alternative retail (Class A1) or restaurant unit (Class A3) at part ground and basement levels fronting Soho Square with the remainder of the building in use as office accommodation (Class B1).		
Agent	CBRE		
On behalf of	Lothbury Property Trust		
Registered Number	19/06624/FULL	Date amended/ completed	20 August 2019
Date Application Received	20 August 2019		
Historic Building Grade	Unlisted		
Conservation Area	Soho		

1. RECOMMENDATION

<p>1. Grant conditional planning permission subject to the completion of a S106 agreement to secure the following planning obligations:</p> <ul style="list-style-type: none"> i. A financial contribution of £55,804 (index linked and payable on commencement) to the Carbon Off-Setting Fund. ii. All highway works on Soho Street relating to the removal of the redundant vehicle crossover and associated work (legal, administrative and physical). iii. Provision of 'Be Seen' energy monitoring iv. The costs of monitoring the agreement. <p>2. If the legal agreement has not been completed within 6 weeks of the date of the Sub-Committee meeting then:</p> <ul style="list-style-type: none"> i. The Director of Place Shaping and Town Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the 	
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benefits listed above. If so, the Director of Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not;

- ii. The Director of Place Shaping and Town Planning shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY

The existing buildings at 3-7 Soho Street and 12 Soho Street are unlisted and located within the Soho Conservation Area and the Central Activities Zone. The buildings are on the east side of Soho Street with frontages to both Soho Square and Soho Street. The site comprises basement, ground and first to fifth floor level with a terrace at part of the fifth floor. There is a retail unit at part ground and basement levels, an internal servicing area at part ground floor level with the remainder of the building in office use.

Consent is sought for the demolition of the existing buildings and redevelopment to provide a building at basement, ground and first to sixth floor levels. The basement would provide cycle storage with associated showers, lockers and changing rooms, plant and waste / recycling storage. The building would be used as office accommodation at part ground and first to sixth floor levels and two commercial units at ground and part basement level. One is proposed as a retail unit and the other as a dual / alternative retail or restaurant unit. Terraces are proposed in association with the office accommodation at fifth and sixth floor levels with a louvred plant room at sixth floor level with photovoltaic panels on the roof of the sixth floor. Green roof areas are also proposed on the flat areas of roof at third, fifth and sixth floor levels.

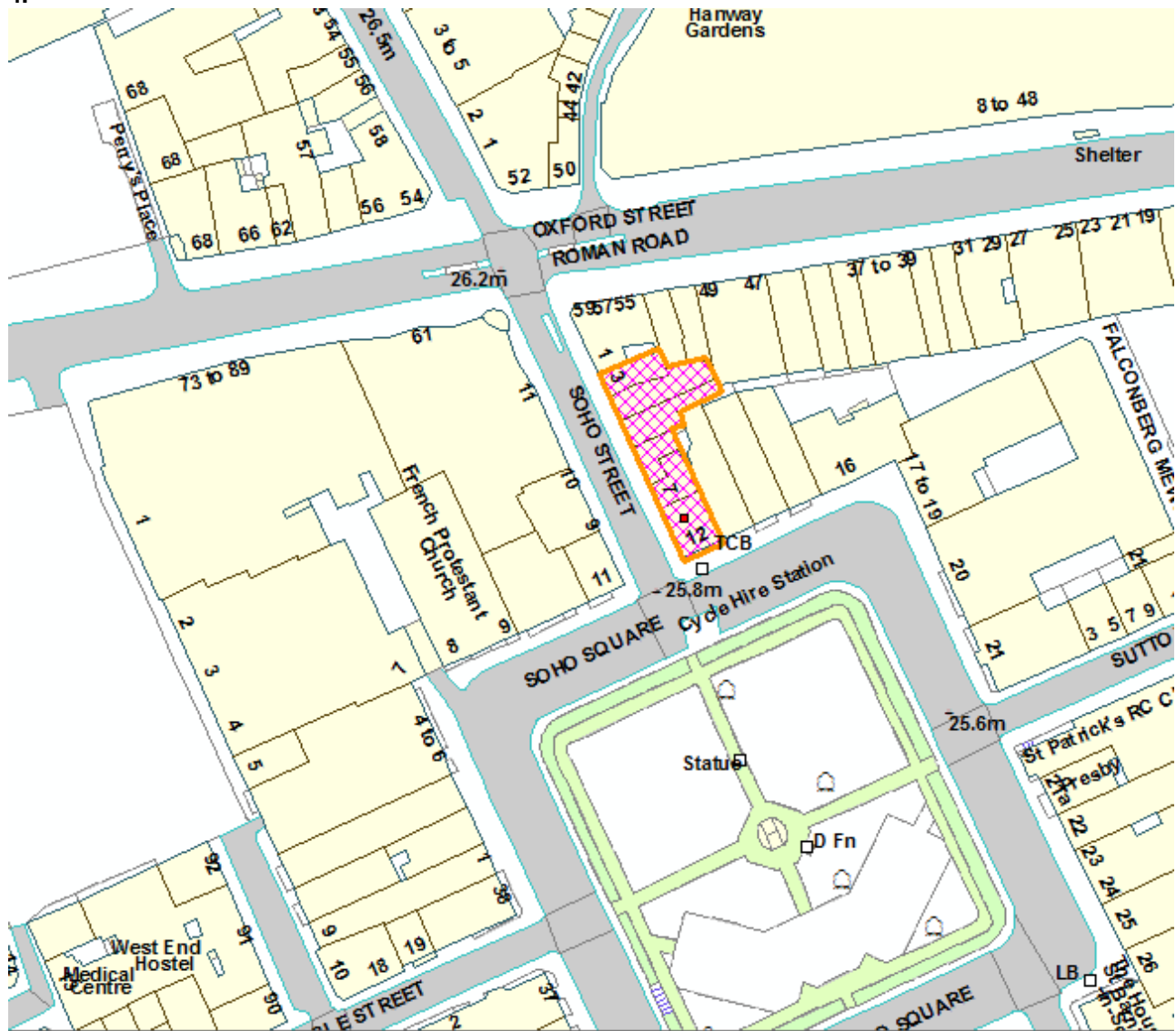
The key issues in this case are:

- * The appearance of the proposed building and the impact on the character and appearance of the Soho Conservation Area.
- * The impact of the development on the setting of neighbouring listed buildings.
- * The impact of the extensions and alterations on residential amenity.
- * The impact of a new entertainment use on the amenity of local residents and upon the environmental quality of the area.

The redeveloped building is considered acceptable in design and conservation terms in respect of its appearance and impact on the Soho Conservation Area. The additional height and bulk of the proposed building is considered to cause a level of less than substantial harm to the settings of the buildings on the north side of Soho Square. However, this harm needs to be considered in the context of urban design and conservation benefits, with the proposed facades being a significant improvement on those of the existing building and will enhance the character and appearance of the Soho Conservation Area. Furthermore, the existing building does not have level access because the ground floor is set one metre below pavement level. The proposed building will have level access from street level, which is also significant improvement and a public benefit.

3. LOCATION PLAN

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5. PHOTOGRAPHS

View looking east from the north side of Soho Square:



View looking north (towards Oxford Street) from the west side of Soho Street:



View looking north from the south side of Soho Square (Winter view):



6. CONSULTATIONS

SOHO SOCIETY

Objection to the creation of the restaurant and request restricted hours for the use of the terraces to protect residential amenity.

HIGHWAYS PLANNING MANAGER

Objection to the reduction in off-street servicing capacity.

HISTORIC ENGLAND

Authorisation to determine.

HISTORIC ENGLAND (ARCHAEOLOGY)

No objection subject to conditions.

ENVIRONMENTAL HEALTH

No objection subject to conditions.

WASTE PROJECT OFFICER

No objection subject to conditions.

CROSS LONDON RAIL 2 LINKS LTD

No objection subject to conditions.

CROSS LONDON RAIL LINKS LTD (1)

No objection subject to conditions.

THAMES WATER

Have requested the addition of conditions to any approval.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 148

Total No. of replies: 4

No. of objections: 2; No. in support: 2

Letters of support on the following grounds:

- Consider the design appropriate for the setting of Soho Square and the neighbouring historic buildings.
- Existing building is outdated with a poor relationship to the street at ground floor
- Greater ground floor active frontage is welcomed.
- Restaurant welcomed as supportive of the wider retailing environment in the area.

Letters of objection on the following grounds:

- Consider the building should be retained for its architecture.
- Noise and disruption from construction.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

7. BACKGROUND INFORMATION

7.1 The Application Site

The development site includes 12 Soho Square and 3-7 Soho Street, which are unlisted buildings located in the Soho Conservation Area. The building comprises basement, ground and first to fifth floor level with a terrace at part of the fifth floor. There is a retail unit at part ground and basement levels, an internal servicing area at part ground floor level with the remainder of the building in office use. Adjoining the building to the east along Soho Square is a Grade II* building at 13 Soho Square.

7.2 Recent Relevant History

Planning permission granted December 1970 for the erection of new building of basement preview cinema, ground floor shop and showroom, first floor part studio / showroom and part office and second, third and fourth floor offices.

8. THE PROPOSAL

Permission is sought for the demolition of the buildings at 3-7 Soho Street and 12 Soho Square and erection of a new building comprising basement, ground and first to sixth floor levels. The proposal provides a new building of increased size with additional active frontages with the provision of one retail unit and a dual / alternative retail/restaurant unit at ground floor level along with office floorspace on the upper floors.

Terraces are proposed in association with the office accommodation at fifth and sixth floor levels with plant at sixth floor level. Green roof areas are proposed at third, fifth and sixth floor levels with photovoltaic panels at roof level. Cycle parking with associated changing and shower facilities would be provided at basement level. An existing off-street servicing area at ground floor level off Soho Street would be removed and the vehicle crossover restored to pavement as it would no longer be required.

The schedule of existing and proposed floorspace is as follows (the scheme includes the dual / alternative use of one of the units as either retail or restaurant):

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office	1,791	1,915.2	+ 124.2
Retail (if both units occupied for retail)	198	318.8	+120.8
Retail (if only northern unit occupied for retail)	198	132.6	-65.4
Restaurant (if southern unit occupied for restaurant)	0	186.2	+ 186.2
Total	1,989	2,234	+ 245

9. DETAILED CONSIDERATIONS

9.1 Land Use

Procedural Matters

The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 came into force on 1 September 2020. These Regulations made a number of changes to the Town and Country Planning (Use Classes) Order 1987, including the creation of a new Class E (Commercial, Business and Service) that includes a wide variety of uses into a single use class.

Of relevance to this application, former Class A1 (Shops), former Class A3 (Restaurants and Cafes) and former Class B1 (Business) are now included within Class E. Thereafter, planning permission is not required to change the use within a use class. This is because changes of use within a use class do not constitute development. As the application was submitted before these Regulations came into force, the application has been assessed and is required to be determined by reference to the use classes as they were specified on 31 August 2020 – in this case retail (Class A1), restaurants and cafes (Class A3) and offices (Class B1).

Office use:

Part A of Policy 13 (Supporting economic growth) of the City Plan 2019-2040 states that new and improved office floorspace will be supported to provide capacity for at least 63,000 new jobs over the plan period, enabling the continued growth and clustering of the creative, knowledge, and research-based sectors. The policy states that increases in office floorspace will be directed to a number of locations including; 'parts of the Central Activities Zone (CAZ) with a commercial or mixed-use character, including the West End Retail and Leisure Special Policy Area (WERLSPA)'.

The application site is located within a commercial area of the Central Activities Zone (CAZ) and therefore the additional 124.2m² of office floorspace is acceptable in principle.

Retail and Restaurant uses:

Currently, there is a retail unit located at ground floor level part way along the Soho Street frontage measuring 198m². The proposed scheme provides a new retail unit measuring 132.6m² and a new dual alternative restaurant or retail unit measuring 186.2m². The new retail unit is at ground floor level fronting Soho Street. The new retail or restaurant unit is dual aspect to Soho Street and Soho Square on the southern side of the proposed building, located at ground and basement levels.

City Plan Policy 14 B requires uses with active frontages which serve visiting members of the public at ground floor level throughout the town centre hierarchy including the CAZ. As the proposed retail and restaurant uses now both fall within Class E, to maintain such active frontages the applicant has agreed to a condition which will restrict those areas of the ground floor currently shown on the submitted plans as retail and retail / restaurant uses to those specific uses and to no other wider use within Class E.

Policy 7 of the Soho Neighbourhood Plan also states that; 'Proposals for new commercial developments will be supported where the ground floor includes active frontages, and which avoid underused space.'

There is no identified operator for the proposed potential restaurant at the present time. The current proposal is for restaurant opening hours from 10:00 until 23:30 Monday to Thursday, 10:00 until 00:00 on Friday and Saturday and 12:00 until 22:30 on Sundays. The 186m² of restaurant floorspace could accommodate 95 covers. Provision has been made for a full height kitchen extract ventilation duct which will discharge at roof level and Environmental Health have confirmed this will provide an acceptable means of odour dispersal. A condition is included to ensure the high level extract duct is installed and retained. There is no objection in principle to the proposed restaurant subject to conditions restricting the hours of opening to those currently proposed, that no music is played inside the premises which is audible in adjoining properties, the numbers of covers restricted to 95 and no delivery service allowed due to potential noise and traffic issues. The main entrance to the restaurant use is from Soho Street with no doors proposed on the Soho Street frontage. This ensures no noise impact upon 13 Soho Square to the west (currently in office use but has permission to convert to a single residential dwelling).

The Soho Society have commented on the application and, whilst they have no objection to the creation of the retail unit, they have objected to the creation of the restaurant unit but give no reason for why they object. As detailed above the creation of a restaurant premises within the Central Activities Zone is acceptable in principle and given its small size and the safeguarding conditions the proposal would have no detrimental impact upon residential amenity. The objection to the creation of the restaurant unit in this instance can not therefore be sustained.

An informative is included to advise that under Part 3, Class E of Schedule 2 to the Town and Country Planning (General Permitted Development Order) 1995, the relevant part of the basement and ground floors can change between the retail (Class A1) or restaurant (Class A3) uses we have approved for 10 years without 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.

Class E restriction:

As detailed above, offices, retail and restaurant uses would now be considered Class E 'Commercial, Business and Service', which includes a range of uses including medical, creche / day care centre, indoor sports and "any other services which it is appropriate to provide in a commercial, business or service locality". The application has been submitted on the basis of the proposed retail, restaurant and office floorspace and information has been provided solely in relation to these uses.

Other uses within Class E could have un-intended consequences in amenity and highways terms which have not been considered. A condition is therefore included to restrict the use of the property to the identified retail, dual / alternative retail or restaurant and office uses.

9.2 Townscape and Design

The site

No 12 Soho Square is a post-war unlisted building (circa 1970) in the Soho Conservation Area. It forms part of a small but important group of terraced houses which includes 13 Soho Square (listed a grade 2 Star) and 15 Soho Square which is a rare late 17th century building (listed grade 2). It lies on the north side of Soho Square, the central garden of which is a grade 2 registered historic garden. It also lies within the protected vista from Parliament Hill to the Palace of Westminster (London View Management Framework view 2B.1).

Legislation

The key legislative requirements in respect to designated heritage assets are as follows: Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

Section 72 of the same Act requires that “In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

The existing building

The existing building is three bays wide on Soho Square with a long, 11 bay, return on Soho Street. It has a flat façade, clad with a light coloured stone, except for two metal framed projecting bays on Soho Street. The top floor (fourth floor on Soho Square) takes a rectilinear form, clad in lead. The Soho Square facade is clearly modern but was designed with some reference to the scale, solidity and fenestration patterns of the historic buildings to the east. However, it is not considered to make a positive contribution to the character and appearance of the Soho Conservation Area and its demolition is uncontentious in principle. Redevelopment could be acceptable subject to the relative merits of the existing and replacement buildings and the impact on heritage assets, namely the Soho Conservation Area, the adjacent listed buildings and the registered garden.

The proposed building

The proposed building has been subject to lengthy negotiations, primarily with respect to its height and bulk and architectural relationship to the historic buildings to the east, and the scheme has been amended to address officers’ concerns.

a. Height and bulk

The existing four buildings on the north east side of Soho Square form a harmonious group in terms of their scale and bulk. The current proposal increases the height of the Soho Square facade by approximately 1.8 metres in total, and adds more significant height and bulk to the north. The fifth floor is set back approximately 10 metres from Soho Square and the plant floor (sixth floor) is set back approximately 25 metres. This additional bulk will be seen above the roofscape of the other three buildings, including the grade 2 star listed No.13. This has an impact on views of this important group from the east and south sides of Soho Square. It is considered that the proposed massing causes less than substantial harm to the setting of no. 13 and the group as a whole. This harm needs to be assessed in relation to any public benefits arising from the proposals.

The increase in height and bulk is also visible in views from the north, from Oxford Street and from Rathbone Place, and from the east on Oxford Street. However, in these views the new building is seen in the context of large buildings and it does not appear incongruous.

The top of the proposed building will be below the viewing (development) plane of the Protected Vista from Parliament Hill to the Palace of Westminster (London View Management Framework view 2B.1) and so there is no impact on this view.

b. Design

The Soho Square facade is three bays wide and clad in brickwork, which reflects the facades of the three buildings to the east. There is a string course at fourth floor level which aligns with the parapet of no. 14. The windows are divided by a central mullion reflecting those on the upper floors of no. 15. They are set within a light coloured metal surround which is recessed from the facade brickwork. At first floor on Soho Square the windows are set back further with the addition of another reveal, and a decorative metal balustrade is set in front of the windows. These details give the facade richness and modelling, comparable to those of the more traditional neighbours, and appropriate to their setting.

Officers discussed the possibility of the fourth floor being treated in a more recessive, roof like manner, so that a parapet level was introduced at the level of the proposed string course. This would have mean the parapet would have been similar to that at no. 14. However, the applicant considered that it would be more appropriate to echo the massing of no.11 on the west side of the Soho Street / Soho Square junction. It is considered that there are merits in both design approaches and the current proposal is acceptable in this regard.

On Soho Street the brick façade continues for five bays. The two northern most brick clad bays are slightly narrower than the remainder of the brick facade, and project from the main facade by approximately 0.6 metres. This echoes the projecting bay on the existing building, which itself echoed a canted bay on the previous, Georgian, building.

The remainder of the Soho Street frontage is six storeys high, with roof level plant room, and is 13 bays long, with a four window wide projecting bay at the northern end. The facade comprises an expressed metal grid with set back metal trim to the sides and top of each opening, with the window set back behind this. The middle section of the frontage (8

bays) is clad in light grey metal and the northern section (5 bays) is in a darker grey. This design approach breaks up the site into three parts, thereby introducing greater architectural variety into the streetscape. This is appropriate and welcomed. The facade is more highly glazed than the southern part of the building, but it is considered that this design approach is an acceptable response to the context which is less sensitive than Soho Square and includes the highly glazed modern building on the west side of the street.

At ground floor level shopfronts are proposed on the Soho Square frontage and its brick clad return in Soho Street. These are largely glazed, with some opening casement windows above a fixed, fluted metal stallriser. These are set within a framework of grey glass reinforced concrete (GRC), which extends the full length of Soho Street to frame the office entrance, service entrance and retail unit. The fluted metal work is used for the service bay doors and the panel above. In the middle section the grey GRC is taken up to frame with first floor windows too. This all adds to the richness and modelling of the Soho Street facade, breaking up what could have been a long, repetitious frontage into a series of related facades.

The scheme does not currently include proposals for the incorporation of public art but the applicant has indicated their willingness to do this, and this can be reserved by condition, if planning permission is to be granted.

There has been an objection to the loss of the existing building on architectural grounds, but for the reasons outlined above, this objection is not considered to be sustainable.

A letter of support has been received to the scheme from the Garden Committee of Soho Square who manage the square on behalf of the 'frontagers and as lessors to their lessee, the City Council'. They consider the proposed design to be acceptable in relation to its impact on the setting of Soho Square and the neighbouring historic buildings. This letter of support is noted.

Conclusions - Heritage harm and benefits

It is considered that the proposals cause a level of less than substantial harm to the settings of the buildings on the north side of Soho Square, caused by the additional height and bulk. This harm needs to be considered in the context of urban design and conservation benefits. These constitute public benefits. It is considered that the proposed facades are a significant improvement on those of the existing building and will enhance the character and appearance of the Soho Conservation Area. Furthermore, the existing building does not have level access because the ground floor is set one metre below pavement level. The proposed building will have level access from street level, which is also significant improvement and a public benefit.

Overall, this is a high quality scheme which will preserve and enhance the character and appearance of the Soho Conservation Area. The less than substantial harm to the settings of the buildings on the north side of Soho Square is outweighed by public benefits and therefore the development complies within NPPF Para. 202. The proposals comply with the City Council's urban design and conservation policies including 38, 39 and 40 of the City Plan.

Archaeology

The site is located within the Tier II Archaeological Priority Area (Great Estates), just south of the Roman road and south of the projected civil war defences. A desk-based assessment report has been submitted with the application (PCA, March 2019) which has been assessed by Historic England. They consider it acceptable and in accordance with relevant standards and guidance. The proposed works will include lowering of the existing basement at Nos. 3-7 by c.0.5m, retention of the basement at No. 12 and underpinning with new lift shafts. Historic England raise no objection to the application and a condition is included as requested to require a two-stage written scheme of archaeological investigation to take place.

9.3 Residential Amenity

Terraces

The existing building has an external terrace serving the office accommodation at fifth floor level. The proposal includes terraces at fifth and sixth floor levels. Taking into account that there is an existing terrace at the property, the new terraces would not result in any significant increase in the degree of overlooking to neighbouring sensitive properties such that the application would be contrary to the requirements of Policy S7 of the City Plan. The Soho Society have requested a condition is applied to any approval to restrict the hours of use of the terraces to between 09:00 and 21:00 daily in order to protect residential amenity in the vicinity. These hours are considered acceptable to ensure terraces are not used at quieter times of the evening when background noise levels are likely to be lower and any noise resulting from the use of the terraces likely to be more audible at nearby residential properties. These hours have been agreed with the applicant and a relevant condition included.

Sunlight and Daylight

A Daylight and Sunlight Report has been provided to assess the impact of the development upon sensitive windows in nearby buildings. The assessment has been updated as the design of the building has been amended and considers the impact of the development on 9-10 Soho Street (Radha-Krishna Temple), 47-49 Oxford Street and 13 Soho Square. No objections have been received to the application on the grounds of loss of daylight / sunlight to neighbouring properties.

Daylight

The most commonly used BRE method for assessing daylighting matters is the 'vertical sky component' (VSC), which measures the amount of sky that is visible from the outside face of a window. Using this method, if an affected window is already relatively poorly lit and the light received by the affected window would be reduced by 20% or more as a result of the proposed development, the loss would be noticeable and the adverse effect would have to be taken into account in any decision-making. The BRE guidelines seek to protect daylighting to living rooms, kitchens and bedrooms.

Where the layout of affected room is known, the daylight distribution test can plot the 'no sky line' (NSL) which is a point on a working plane in a room between where the sky can and cannot be seen. Comparing the existing situation and proposed daylight distributions

helps assess the likely impact a development will have. If, following construction of a new development, the no sky line moves so that the area of the existing room, which does not receive direct skylight, is reduced to less than 0.8 times its former value, this is likely to be noticeable to the occupants.

9-10 Soho Street

The Radha-Krishna Temple at 9-10 Soho Street occupies the entire building with a restaurant at ground floor level and temple, meditation rooms, stores, laundry and sleeping accommodation on the upper floors. The temple complex occupies the entire building with windows to Soho Street and to the rear on the upper floors. Whilst there is some living accommodation on the upper floors, this is thought to be dormitory accommodation and not occupied as long term residential but of a more transient nature. Whilst the BRE Guidelines are written primarily for permanent residential properties, Paragraph 2.2.2 states that they, 'may also be applied to any existing non-domestic building where the occupants have a reasonable expectation of daylight; this would normally include schools, hospitals, hotels and hostels, small workshops and some offices.'

Of the 18 windows tested on the Soho Street elevation 10 of them adhere to the BRE guidelines by retaining in excess of 27% of the VSC or at least 0.8 times their former value. Of the ten windows which do not retain 0.8 times their former value, the range is from 0.73 to 0.79 which is only just below the stipulated 0.8. Of the 9 rooms assessed on the upper floors only two accord with the daylight distribution criteria for 0.8 times to be retained. However, taking into account this is not permanent residential accommodation and is a mix of uses associated with the temple, it is considered the BRE guidance can be applied flexibly to this building and the losses are considered acceptable.

47-49 Oxford Street

47 - 49 Oxford Street is located to the north west of the site and the windows measured here serve residential flats in the building. The Daylight and Sunlight assessor has visited the building and been able to measure the rooms for accurate measurements. Out of the 17 assessed windows at first, second, third and fourth floor levels, there are two windows which fail to comply with the BRE Guidance. These are two windows serving the same bedroom in the property which currently have existing VSC values of 7.33% and 6.72%. The retained VSC is 73% and 75% of the original value and therefore the reduction is only just below the 80% threshold stipulated in the BRE guidance. Out of the assessed rooms in the building this room is the only one which does not accord with the BRE Guidance in respect of the retained daylight distribution, retaining 0.75 of its original value. Given these losses are only just outside of the BRE guidance and that the BRE guidelines state bedrooms as being less important in relation to daylighting distribution than main living rooms, it is not considered that refusal on loss of daylight could be justified.

13 Soho Square

13 Soho Square is the adjoining building to the west, it is currently used as office accommodation but consent has been granted for its use as a single family dwelling and works have taken place at the property which have implemented the consent. The property has windows to the front elevation fronting Soho Square and windows at the rear of the

building in a small lightwell surrounded by other buildings. Of the 15 windows assessed at the rear of the building 9 would not accord with the BRE Guidance.

Window	%VSC		
	Existing	Proposed	Loss (%)
Ground (Study)	0.36	0.25	30%
Ground (Study)	0.35	0.23	33%
First (Dining Room)	0.74	0.44	41%
First (Dining Room)	0.72	0.40	44%
First (Dining Room)	13.65	9.10	33%
First (Dining Room)	12.29	7.95	35%
First (Kitchen)	0.81	0.57	29%
Second (Bedroom)	2.42	1.50	38%
Third (Bedroom)	6.06	3.33	45%

It should be noted though that some of the existing VSC levels to these windows are very low due to their position within the rear lightwell which is surrounded by taller buildings.

With regard the daylight distribution to these rooms, four of the six rooms assessed at the rear of the dwelling comply with the daylight distribution requirements. The two rooms which do not accord are the study at ground floor and the dining room at first floor (there is another dining room at ground floor level off the main living room). The study would lose existing daylight distribution given the very low existing figure and the first floor dining room would retain 0.75 of its former value which is just below the 0.8 BRE guidance. Given the very low existing levels, in both VSC and NSL, and the fact that this is currently in office use, and if the change of use is fully implemented in future it would be a very large dwelling house with the main elevation being south facing to Soho Square and unaffected by the proposal, the impact on this property is acceptable.

Sunlight

In terms of sunlight, the BRE guidance states that if any window receives more than 25% of the Annual Probable Sunlight Hours (APSH where the total APSH is 1486 hours in London), including at least 5% during winter months (21 September to 21 March) then the room should receive enough sunlight. The BRE guide suggests that if the proposed sunlight is below 25% (and 5% in winter) and the loss is greater than 20% either over the whole year or just during winter months, and there is a 4% loss in total annual sunlight hours, then the occupants of the existing building are likely to notice the loss of sunlight.

None of the windows tested at 9 – 10 Soho Street face within 90° of due south and therefore do not need to be tested for sunlight. All sunlight losses measured to relevant windows within 13 Soho Square and 47-49 Oxford Street are within the acceptable BRE parameters.

Sense of Enclosure

Policy S7 of the City Plan seeks to protect residential amenity. The proposal results in an increase in the bulk and mass of the building however, given the relationship with

neighbouring buildings it is not considered the proposal would result in a significant increase in the sense of enclosure.

Transportation/Parking

Trip Generation

The majority of trips to the site (excluding servicing) will be by public transport and the proposed development is unlikely to result in a significant increase in trips to the site when compared to the existing development. The site is within a Controlled Parking Zone and any vehicle movements to the site will be subject to the existing on-street parking restrictions. The proposed building would provide 32 cycle parking spaces which is in excess of the London Plan requirements and ancillary lockers, showers and changing facilities are also proposed. A condition is proposed to ensure these facilities are provided and retained.

Servicing

There is an existing off-street servicing area at the building which is able to accommodate small servicing vehicles. The proposal is for this to be removed and all servicing to take place from Soho Square with the existing servicing bay entrance turned into an active frontage for the retail and the vehicle crossover removed. Policy S29 of the City Plan requires that; 'Servicing, collection and delivery needs should be fully met within a development site and applicants will produce Delivery and Servicing Plans which encourage provision for low-emission, consolidation and last mile delivery modes.'

Whilst ordinarily the removal of the off-street servicing bay would be unacceptable in highways terms, in this instance one of the projects of the Oxford Street District is for works in Soho Street including the inclusion of a taxi rank on the western side of the street. The Oxford Street District Team has expressed support for the proposal on this basis, saying servicing should take place from Soho Square to alleviate any conflict between servicing vehicles and taxis once the project is implemented. They also support the removal of the vehicle crossover to create an improved pedestrian environment on this side of the road with the expanded activity frontage along the east side of Soho Street. Given the support of the Oxford Street District Team, the removal of the off-street servicing bay and the vehicle crossover is considered acceptable. The removal of the crossover is recommended to be secured by legal agreement so that this is achieved prior to occupation of the development.

During the course of the application updated servicing management information has been provided in relation to the proposed servicing from Soho Square and the internal layout of the ground floor has been amended to include an off-street holding area to ensure goods / waste / recycling are not left on the highway awaiting collection or during delivery to the property. The Highways Planning Manager has reviewed the submitted Servicing Management Plan and considers additional information is required in the Plan to ensure servicing of the building from Soho Square does not detrimentally impact on other highways users. A condition is included to require the submission of an updated Servicing Management Plan as requested. Also as requested, a condition is included to require servicing to take place between 00:00 and 08:30 daily (as existing) to allow the pavement to be prioritised for pedestrians during the day, although the servicing management plan states that the majority of servicing will take place between 05:30 and 08:30. A condition is also included to ensure the internal areas reserved for servicing and holding goods / waste are provided and retained as shown on the drawings.

A condition is also imposed to ensure that none of the new doors open over the public highway in order to ensure there is no obstruction to pedestrians.

Public Realm

The drawings indicate some improvements to the street being proposed along Soho Street including the removal of some of the existing infrastructure including the BT phone box. These works would require separate approvals and is not required or necessary to make the development acceptable. It is also noted the Oxford Street District Plan is proposing its own improvement works along Soho Street. The Highways Manager has reviewed the submission and determined that the changes shown to the public highway are not supported (including proposed pavement lights). However, should the developer wish, separate discussions could be had in relation to third party funding of improvements to the public realm in Soho Street. These could be taken forward outside of the planning process via separate agreements with the Council and within the context of wider Soho and Oxford Street District schemes. An informative is attached to advise the applicant of this and a condition included to state that no works to the public realm are granted nor the installation of pavement lights.

9.4 Economic Considerations

As the net increase in commercial floorspace is below 1,000 sq.m, there is no requirement to secure a financial contribution towards initiatives that provide employment, training and skills development for local residents in order to comply with City Policy S19.

The benefits of the increase in and modernisation of the commercial floorspace within this part of the CAZ are welcome.

9.5 Access

Level access will be provided from street level to the retail and restaurant uses as well as the ground floor office lobby. Lift access is then provided to all floors in the building with accessible toilet facilities provided on most floors of the building. This is a welcome improvement on the existing building which has very limited accessibility and has steps to access the units.

9.6 Other UDP/Westminster Policy Considerations

Plant

In relation to noise from the proposed plant the application has been considered in the context of Policy S33 of the City Plan 2019-2040. This policy seeks to protect nearby occupiers of noise sensitive properties and the area generally from excessive noise and disturbance resulting from plant operation.

An acoustic report has been submitted in relation to the installation of the plant equipment which is at main roof level within a louvred plant area.

Background noise measurements at the property have been recorded over a 24 hour period. With regard the plant the proposed hours of operations are 08:00 till 23:30 for the

office plant, 07:00 till 23:00 for the plant serving the retail unit and 11:00 till 03:00 for the plant serving the proposed restaurant unit. The nearest noise sensitive property is 13 Soho Square being the adjoining property to the west, which whilst still in office use, has permission to be used as residential, the consent for which has been implemented due to relevant works taking place at the building.

Acoustic mitigation measures are proposed in the form of the louvred screen around the plant area. The acoustic report concludes that with the acoustic mitigation measures installed and the hours of operation of the plant controlled as detailed above that the noise levels at the nearest sensitive property will be compliant with the City Council criteria. Environmental Health have assessed the documentation and confirmed that the plant operation will be acceptable. Conditions are included to control noise and vibration levels from the plant, hours of operation and the installation of the acoustic mitigation measures.

An emergency generator is also proposed at the property and a condition is included to control the acceptable noise levels from this plant in the event of its use during a power cut as an emergency.

Refuse /Recycling

The Waste Projects Officer has confirmed that the revised drawings show acceptable waste and recycling storage facilities. A condition is proposed to ensure these are provided and retained for the lifetime of the development.

Biodiversity and Sustainability

Solar panels are proposed on the main roof of the property which are welcomed in sustainability terms and a condition is included to require that these are installed and retained. Green roof areas are also shown as being provided at third, fifth and sixth floor levels on the flat roof areas and a condition is included requiring details of these green roof areas to be provided. An informative is included to advise the applicant that this should be an intensive green roof as opposed to sedum due to the additional biodiversity benefits.

Principle of Demolition

Policy 21 of the Soho Neighbourhood Plan considers the refurbishment and retrofitting of existing buildings and states that; 'all major development should take every opportunity to demonstrate that it has evaluated the potential of options to sensitively retrofit and improve the sustainability of existing buildings.' Paragraph 38.11 of the City Plan states that; 'as new developments are large consumers of resources and materials, the possibility of sensitively refurbishing or retrofitting buildings should also be considered prior to demolition and proposals for substantial demolition and reconstruction should be fully justified on the basis of whole-life carbon impact, resource and energy use, when compared to the existing building.' This is in recognition of the climate emergency.

A Carbon Design Report has been provided by the applicant which demonstrates that the whole life carbon associated with the model for the new construction building is less than the whole life carbon associated with the refurbishment of the existing building. The carbon emissions associated with the construction of the refurbishment scheme are 464,398kh CO2e whilst carbon emissions associated with the construction of the redevelopment are

436,683kg CO₂e. The reason the construction carbon emissions are so similar is that refurbishment of the existing building requires extensive intervention due to the presence of asbestos in the horizontal structure. The asbestos is integral to floor slabs of the building and in the refurbishment scheme of installing new lighting, ventilation and heating / cooling to the property, this needs to be removed as the refurbishment disturbs the asbestos. This is an unusual position which the applicant contends is due to the age and construction of the property. Given this it takes just one year for the new build development to be more carbon efficient than the refurbishment scheme.

Energy Efficiency

London Plan Policy SI 2 requires major development to be net zero-carbon, with a minimum requirement of on-site reduction in regulated emissions (i.e. those associated with heating, cooling, ventilation, hot-water and lighting) of at least 35 per cent beyond Building Regulations 2013 for major development. Residential development should achieve 10 per cent, and non-residential development should achieve 15 per cent through energy efficiency measures. Where it is clearly demonstrated that the zero carbon target cannot be fully achieved on-site, any shortfall should be provided in agreement with the borough, either:

- 1) through a cash in lieu contribution to the borough's carbon offset fund, or
- 2) off-site provided that an alternative proposal is identified and delivery is certain.

City Plan Policy 36(B) also requires major development to be zero carbon. City Plan Policy 36(C) adds, 'Where it is clearly demonstrated that it is not financially or technically viable to achieve zero-carbon on-site, any shortfall in carbon reduction targets should be addressed via off-site measures or through the provision of a carbon offset payment secured by legal agreement'.

Following negotiation on the scheme the proposed development will achieve a 16% reduction through energy efficiency, above the minimum requirement of 15%. With regard to the London Plan requirement of on-site reduction in regulated emissions of at least 35 per cent beyond Building Regulations 2013, the development results in a saving of 59%. Whilst this exceeds the minimum stipulation of the London Plan it does not comply with the zero carbon requirement in the new City Plan (i.e. 100% improvement over Part L) and is a shortfall of 41%. The applicant contends they have been unable to meet the requirement for zero carbon due to technical reasons, namely that parts of the basement structure are being retained, the adjoining walls to the north and east are also being retained due to the existing buildings and the design of the building has been amended for design reasons and the setting back of the building on the upper floors has impacted on the available space for installing additional PV panels and their installation would also impact on the design of the building and key views from Soho Square. The residual operational regulated carbon needs to be mitigated by a financial contribution to the City Council's carbon off-set fund and secured by a s106 agreement. The payment would be £55,804. It is also recommended that energy monitoring is secured as part of the legal agreement in accordance with the GLA's Energy Monitoring guidance.

Policy 38 of the City Plan requires that; 'applicants will demonstrate how sustainable design principles and measures have been incorporated into designs, utilising environmental performance standards as follows: Non-domestic developments of 500 sqm of floorspace

(GIA) or above will achieve at least BREEAM “Excellent” or equivalent standard.’ A condition is attached to require the submission of a relevant report to demonstrate this requirement will be met.

9.7 Westminster City Plan

The City Plan 2019 - 2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with s.38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan adopted in March 2021 and the Soho Neighbourhood Plan (see further details in Section 8.8). As set out in s.38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

9.8 Neighbourhood Plan

The Soho 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 2nd September 2021, 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 Soho 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.

9.9 London Plan

This application raises no strategic issues.

9.10 National Policy/Guidance Considerations

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

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant’s adherence to City Council’s Code of Construction Practice during the demolition/excavation and construction phases of the development and relevant conditions as required by Historic England in relation to archaeological investigation and Crossrail in relation to the construction. The applicant has agreed to the imposition of these conditions.

9.11 Planning Obligations

The proposed development is expected to generate Community Infrastructure Levy (CIL). The estimated CIL payment is :-

- Mayoral:-£48,800
- Westminster:- £93,245

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

- An index linked carbon off-set payment of £55,804;
- Highways works to Soho Street to remove the redundant crossover and restore the pavement.

9.12 Environmental Impact Assessment

The proposal is of insufficient scale or impact to require assessment under the EIA Regulations (2017).

9.13 Other Issues

Construction impact

Crossrail have requested the addition of pre-commencement conditions to any approval requiring the submission of method statements for relevant works which may impact the location of structures for both Crossrail 1 and 2, accommodate ground movement from the construction of Crossrail 2 and mitigate noise and vibration from the operation of the Crossrail lines. A condition is also imposed as requested requiring the submission of details of construction vehicle movements to ensure that when concurrent construction is occurring the construction of Crossrail is not impeded.

Thames Water have requested a number of conditions and informatives be applied to any consent and these have been included as requested.

The applicant has agreed to sign up to the City Council Code of Construction Practice which applies to all major development sites to enable the City Council to control and manage impacts during construction such as vehicle movements, dust, noisy building works etc. A condition is included to ensure the applicant signs up to the Code of Construction Practice prior to the commencement of any demolition.

An objection about noise and disruption during the redevelopment has been submitted by the commercial occupier of 13 Soho Square. However, given the remedial measures described above, this objection is not considered to be sustainable.

Air Quality Assessment

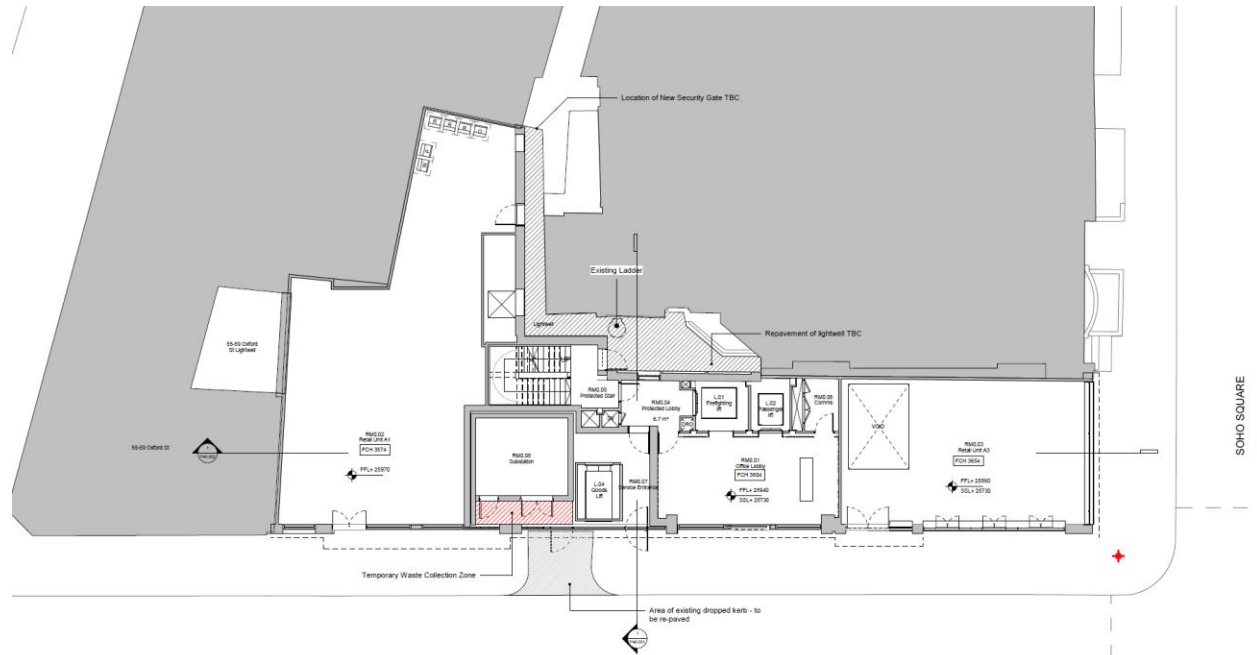
An Air Quality Assessment has been included with the application which has been assessed by Environmental Health. They have confirmed that the development will meet the air quality neutral benchmark for building emissions. The impacts on air quality during construction will be controlled through the Code of Construction Practice.

(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 jpalme@westminster.gov.uk

10. KEY DRAWINGS

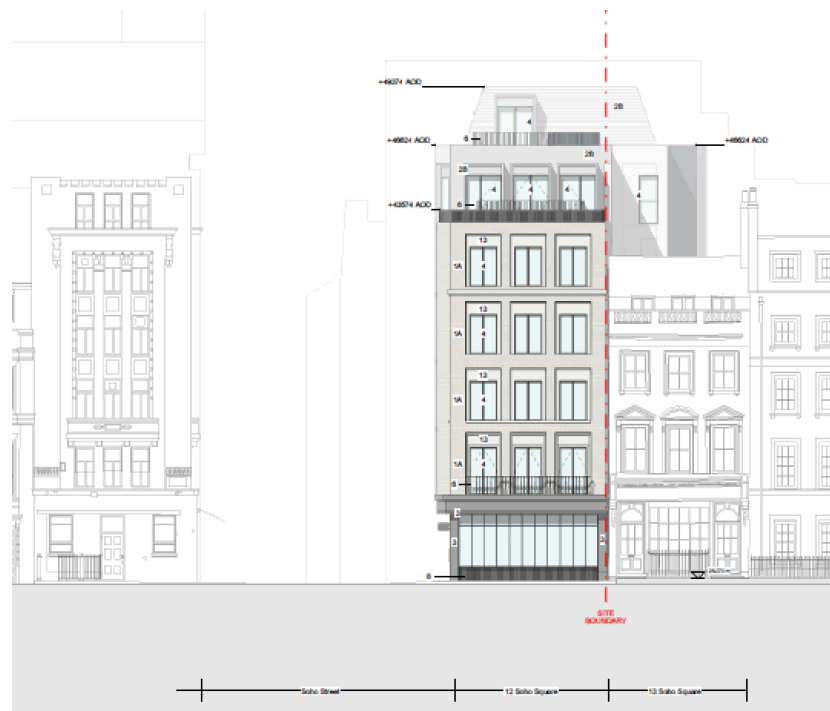
Proposed Ground Floor Plan:



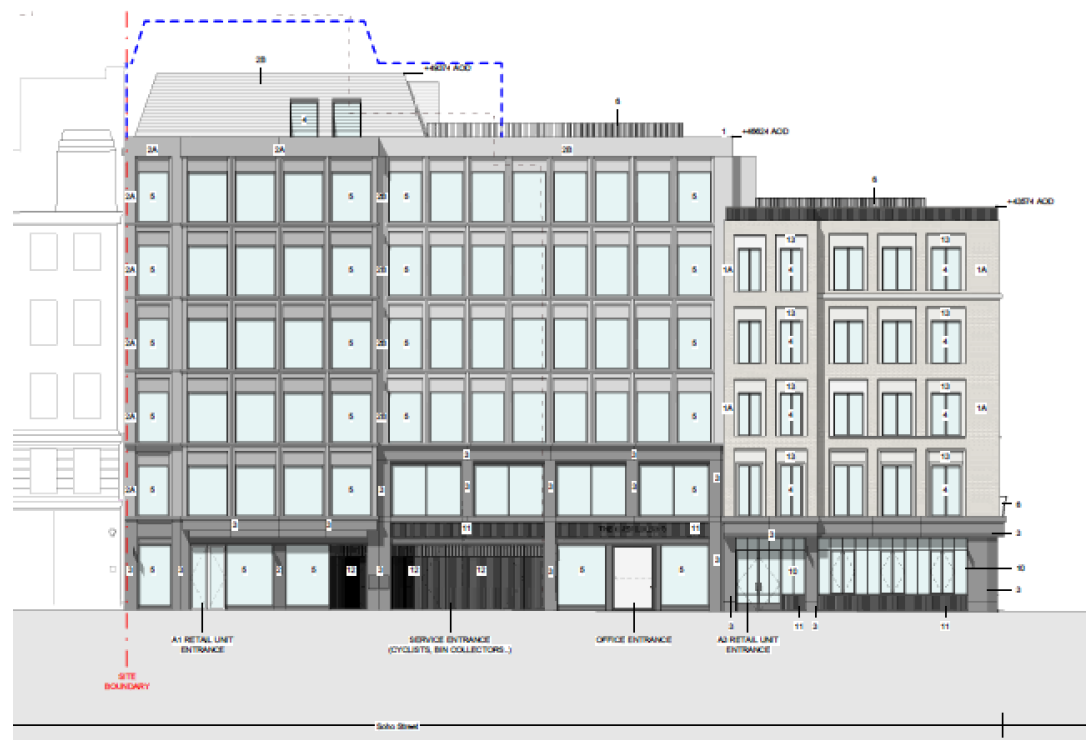
Proposed Section (North – South):



Soho Square Elevation:



Soho Street Elevation:



DRAFT DECISION LETTER

Address: 12 Soho Square and 3 – 7 Soho Street, London, W1D 3QF

Proposal: Demolition of the existing buildings at 3-7 Soho Street and 12 Soho Square and redevelopment to create a new building, comprising basement, ground and first to sixth floor levels with terraces at fifth and sixth floor levels and a plant room at sixth floor level; installation of green roof areas at third, fifth and sixth floor levels and photovoltaic panels at roof level. Use of part ground and lower ground floors as a retail unit (Class A1) fronting Soho Street and dual / alternative retail (Class A1) or restaurant unit (Class A3) fronting Soho Square with the remainder of the building in use as office accommodation (Class B1).

Reference: 19/06624/FULL

Plan Nos: Carbon Design Report dated 13/06/2021, Air Quality Assessment dated December 2019, Transport Statement dated December 2019, Delivery and Servicing Plan dated August 2019, Energy Strategy dated 15th December 2021, Sustainability Statement dated June 2019, Plant Noise Impact Assessment dated 8 November 2019, Drawings: 278-P20.100 RevA, 278-P20.101 RevA, 278-P20.102 RevA, 278-P20.103 RevA, 278-P20.104 RevA, 278-P20.105 RevA, 278-P20.106 RevB, 278-P20.107 RevB, 278-P20.109 RevB, 278-P30.001 RevB, 278-P30.002 RevB, 278-P30.003 RevB, 278-P30.004 RevB, 278-P40.001 RevB, 278-P40.002 RevB, 278-P10.100, 278-P10.101, 278-P10.102, 278-P10.103, 278-P10.104, 278-P10.105, 278-P10.106, 278-P10.107, 278-P10.110, 278-P10.111, 278-P10.112.

Case Officer: Matthew Giles

Direct Tel. No. 020 7641
07866040155

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 3 You must apply to us for approval of a sample panel of brickwork, built on site, which shows the colour, texture, face bond and pointing. You must not start work on this part of the development until we have approved the sample panel in writing. You must then carry out the work according to the approved sample. (C27DC)

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 Soho Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 4 You must apply to us for approval of detailed drawings (Scales 1:20 and 1:5) and/or full particulars (as appropriate) of the following parts of the development:
1. Typical facade details at all levels,
 2. Shopfronts ,
 3. Service entrance.

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

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

Reason:

Because these would harm the appearance of the building and would not meet Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26HC)

- 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 make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Soho Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 7 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 278 _P20.100 and 278_P20.101 prior to occupation and thereafter you must permanently retain them for the storage of waste and recycling. You must clearly mark them and make them available at all times to everyone using the building. (C14FC)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 8 Waste management and servicing must be in accordance with the updated Transport Statement dated December 2019.,

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

9 **Pre Commencement Condition**

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

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

(c) You must not use any part of the new building until we have confirmed in writing that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

Reason:

To protect the archaeological heritage of the City of Westminster as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021). (R32BD)

- 10 None of the development hereby permitted shall be commenced until detailed design and Construction method statements for all of the ground floor structures, foundations and

basements and for any other structures below ground level, including piling and any other temporary or permanent installations and for ground investigations have been submitted to and approved in writing by the Local Planning Authority which :-

- i) Accommodate the proposed location of the Crossrail 2 structures including temporary works,
- ii) Accommodate ground movement arising from the construction thereof,
- iii) Mitigate the effects of noise and vibration arising from the operation of Crossrail 2 within its tunnels and other structures.

The development shall be carried out in all respects in accordance with the approved design and method statements. All structures and works comprised within the development hereby permitted which are required by paragraphs 1(i), 1 (ii) and 1 (iii) of this condition on shall be completed, in their entirety, before any part of the building[s] hereby permitted is/are occupied. No alteration to these aspects of the development shall take place without the approval of the Local Planning Authority in consultation with Crossrail 2,

Reason:

To meet the requirements of a direction made in connection with the Chelsea-Hackney line (CrossRail Line 2) by the Secretary of State for Transport under Articles 14(1) and 18(3) of the Town and Country Planning General Development Order 1988 and as set out in Policy 26 of the City Plan 2019 - 2040 (April 2021). (R33BD)

- 11 None of the development hereby permitted shall be commenced until detailed design and construction method statements for all of the ground floor structures, foundations and basements and for any other structures below ground level, including piling, any other temporary or permanent installations and for site investigations, have been submitted to and approved in writing by the Local Planning Authority which:-

- i) Accommodate the location and of the Crossrail structures including temporary works,
- ii) Mitigate the effects on Crossrail, of ground movement arising from development.

The development shall be carried out in all respects in accordance with the approved design and method statements. All structures and works comprised within the development hereby permitted which are required by paragraphs C1(i) and C1 (ii) of this condition shall be completed, in their entirety, before any part of the building[s] hereby permitted is/are occupied.

Reason:

To meet the requirements of a direction made in connection with the CrossRail Project by the Secretary of State for Transport under Articles 10 (3), 14 (1) and 27 of the Town and Country Planning (General Development Procedure) Order 1995 and as set out in Policy 26 of the City Plan 2019 - 2040 (April 2021). (R33AD)

- 12 None of the development hereby permitted shall be commenced until a method statement has been submitted to, and approved in writing, by the Local Planning Authority to include arrangements to secure that, during any period when concurrent construction is taking place of both the permitted development and of the Crossrail structures and tunnels in or adjacent

to the site of the approved development, the construction of the Crossrail structures and tunnels is not impeded.

Reason:

To meet the requirements of a direction made in connection with the CrossRail Project by the Secretary of State for Transport under Articles 10 (3), 14 (1) and 27 of the Town and Country Planning (General Development Procedure) Order 1995 and as set out in Policy 26 of the City Plan 2019 - 2040 (April 2021). (R33AD)

- 13 No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method, statement.

Reason:

The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

- 14 No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason:

The proposed works will be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure.

- 15 The terrace areas at fifth and sixth floor levels can only be used between the hours of 09.00 and 21.00 and cannot be used outside these hours other than in the case of an emergency.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R13FC)

- 16 You must provide, maintain and retain the following energy efficiency measures before you start to use any part of the development, as set out in your application.
- Solar panels at main roof level.
 - Blue / green roofs and a rainfall attenuation tank of at least 6.5 cubic metres.

You must not remove any of these features.

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)

- 17 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roof areas 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 and thereafter retain and maintain in accordance with the approved management plan. (C43GA)

Reason:

To increase the biodiversity of the environment, as set out Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43FC)

- 18 (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 in writing 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 in writing 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 written 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. (C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R46AC)

- 19 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 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R48AB)

- 20 The emergency plant and generators hereby approved shall only be used for the purpose of public safety and life critical systems and shall not be used for backup equipment for commercial uses such as Short Term Operating Reserve (STOR). The emergency plant and generators shall be operated at all times in accordance with the following criteria:
 (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the LA90, 15 mins over the testing period) 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 in an emergency situation.
 (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. (C50AC)

Reason:

Emergency energy generation plant is generally noisy, so in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby. (R50AC)

- 21 You must install the acoustic mitigation measures as shown on the approved drawings and to the specification detailed in the approved acoustic report. You must thereafter retain these measures in place for as long as the plant remains in place.

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R13AD)

- 22 The plant/machinery hereby permitted shall not be operated except between the following hours:

Plant serving the office accommodation can be operated between 08:00 and 23:30 daily.
Plant serving the retail accommodation can be operated between 07:00 and 23:00 daily.
Plant serving the restaurant accommodation can be operated between 11:00 and 03:00 daily.

Reason:

To safeguard the amenity of occupiers of noise sensitive receptors and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) the draft Environmental Supplementary Planning Document (May 2021). (R46CC)

- 23 Should you choose to implement the restaurant use hereby approved you must install the high level extract duct to serve the restaurant as shown on the approved drawings before the restaurant can operate. The high level duct must thereafter be maintained in situ for as long as the restaurant remains in operation.

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R14AD)

- 24 **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 neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 25 You must provide each cycle parking space and associated facilities for cyclists shown on the approved drawings prior to occupation of the development. Thereafter the cycle spaces and associated facilities for cyclist must be retained and the space used for no other purpose. (C22IA)

Reason:

To provide cycle parking spaces and associated cycling facilities for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22GA).

- 26 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 Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 27 Prior to occupation of the development you must have approved a Servicing Management Plan which should identify process, internal storage locations, scheduling of deliveries and staffing. The Servicing Management Plan must thereafter be followed by the occupants for the life of the development.,

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

- 28 All servicing must take place between 00:00 and 08:30. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

- 29 All areas for servicing, including access corridors, must be retained for this purpose for the life of the development and used for no other purpose that prevents off-street servicing from occurring,

Reason:

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

neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

- 30 Notwithstanding any annotations or details shown on the approved drawings planning permission is not granted for the installation of pavement lights or works to the public realm

Reason:

In the interests of public safety as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24BD)

- 31 **Pre Commencement Condition.** You must not start any demolition work on site until we have approved in writing either: (a) a construction contract with the builder to complete the redevelopment work for which we have given planning permission, or, (b) an alternative means of ensuring we are satisfied that demolition on the site will only occur immediately prior to development of the new building. You must only carry out the demolition and development according to the approved arrangements. (C29AD)

Reason:

To maintain the character of the Soho Conservation Area as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021) and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AD)

- 32 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 character of the Soho Conservation Area as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021) and Section 74(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990. (R29AD)

- 33 Should you choose to implement the restaurant use hereby approved you must not allow more than 95 customers into the ground floor restaurant hereby approved at any one time.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet Policy 16 of the City Plan 2019 - 2040 (April 2021). (R05AC)

- 34 Should you choose to implement the restaurant use hereby approved you must not play any music within the restaurant premises which is audible within adjoining properties.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R13ED)

- 35 Should you choose to implement the restaurant use hereby approved you must not operate a delivery service or permit a delivery service to be operated from the premises even as an ancillary part of the use.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

- 36 Should you choose to implement the restaurant use hereby approved you must not open the premises to customers, and you must not allow customers on the premises, outside the following hours
- 10:00 to 23:30 Monday to Thursday,
 - 10:00 to 00:00 Friday and Saturdays, and,
 - 12:00 (Midday) to 22:30pm on Sundays.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet Policy 16 of the City Plan 2019 - 2040 (April 2021). (R05AC)

- 37 You must apply to us for our written approval of an independent review of the energy efficiency measures to be provided within the development before you start any work on the development. In the case of an assessment using Building Research Establishment methods ('BREEAM'), this review must show that you have achieved an 'excellent' rating. If you use another method, you must achieve an equally high standard. You must provide all the energy efficiency measures referred to in the review before you start to use the building. You must then permanently retain these features. (C44BB)

Reason:

To make sure that the development affects the environment as little as possible, as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44BD)

- 38 The building must be constructed to provide the on-site reduction in regulated emissions as detailed in the 'Design Note - Energy Strategy' dated 15th December 2021.

Reason:

To make sure that the development affects the environment as little as possible and provides the environmental sustainability benefits included in your application, as set out in Policy 36 of the City Plan 2019 - 2040 (April 2021) and London Plan Policy SI 2.,

- 39 You must apply to us for approval of a scheme of public art. You must not start work on the public art until we have approved what you have sent us. Before anyone moves into the building you must carry out the scheme according to the approved details. You must maintain the approved public art and keep it on this site. You must not move or remove it.

Reason:

To make sure the art is provided for the public and to make sure that the appearance of the

building is suitable. This is as set out Policy 43(E) of the City Plan 2019 - 2040 (April 2021). (R37AC)

- 40 You must use the identified units in the redeveloped building for the uses annotated on the approved drawings, being retail, dual / alternative retail or restaurant and office. You must not use them for any other purpose, including any other use within Class E of the Town and Country Planning (Use Classes) Order 1987 as amended September 2020 (or any equivalent class in any order that may replace it).

Reason:

To ensure that the development is carried out in accordance with the use sought and assessed, to ensure that the parts of the building are not used for other uses within Class E that may have different or unacceptable waste storage, servicing, air quality, amenity or transportation requirements and / or impacts in accordance with Policies 16, 17, 18, 24, 26, 28, 29, 25, 32, 33, 34, 37 and 38, of the City Plan 2019 - 2040 (April 2021).

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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), 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 may need to get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if you want to put up an advertisement at the property. (I03AA)
- 3 You must register your food business with the Council, please use the following link: www.westminster.gov.uk/registration-food-business. Please email the Environmental Health Consultation Team (Regulatory Support Team 2) at ehconsultationteam@westminster.gov.uk for advice on meeting our standards on ventilation and other equipment. Under environmental health legislation we may ask you to carry out other work if your business causes noise, smells or other types of nuisance.
- 4 For advice on how you can design for the inclusion of disabled people please see the guidance provided by the Equality and Human Rights Commission, the Centre for Accessible Environments and Habinteg. The Equality and Human Rights Commission has a range of

publications to assist you (www.equalityhumanrights.com). The Centre for Accessible Environment's 'Designing for Accessibility' (2012) is a useful guide (www.cae.org.uk). If you are building new homes, you must provide features which make them suitable for people with disabilities. For advice see www.habinteg.org.uk. It is your responsibility under the law to provide good access to your buildings. An appropriate and complete Access Statement as one of the documents on hand-over, will provide you and the end user with the basis of a defence should an access issue be raised under the Disability Discrimination Acts.

- 5 You 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 or visit www.ccscheme.org.uk.
- 6 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website: www.westminster.gov.uk/street-naming-numbering (I54AB)
- 7 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, , 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: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil. Forms can be submitted to 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.**
- 8 The written scheme of investigation required under condition 9 will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 9 In relation to Condition 10 you should refer to the Crossrail 2 Information for Developers available at crossrail2.co.uk. Crossrail 2 will provide guidance in relation to the proposed location of the Crossrail 2 structures and tunnels, ground movement arising from the

construction of the tunnels and noise and vibration arising from the use of the tunnels. Applicants are encouraged to contact the Crossrail2 Safeguarding Engineer in the course of preparing detailed design and method statements.

- 10 The Developer is recommended to assess and mitigate the possible effects of noise and vibration arising from the operation of Crossrail (the future Elizabeth Line).
- 11 In relation to Conditions 13 and 14 you are advised to read the Thames Water guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures.<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB
- 12 As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line, via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section., , We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

- 13 With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>
- 14 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 15 You are advised that to discharge Condition 17 the details should show an intensive green roof as opposed to an extensive / sedum roof due to the additional biodiversity benefits it will provide.
- 16 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to contact to our Environmental Sciences Team (email: environmentalsciences2@westminster.gov.uk) to make sure that you meet all the requirements before you draw up contracts for demolition and building work. , , When a contractor is appointed they may also wish to make contact with the Environmental Sciences Team before starting work. The contractor can formally apply for consent for prior approval under Section 61, Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required the authority may serve a notice on the site/works setting conditions of permitted work (Section 60, Control of Pollution Act 1974)., , British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work., , An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.
- 17 You may need separate licensing approval for the restaurant premises. Your approved licensing hours may differ from those given above but you must not have any customers on the premises outside the hours set out in this planning permission. (I61AB)
- 18 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (including date decision and planning reference number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 19 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)

- 20 The applicant is required to ensure that all non-road mobile machinery used during the demolition and/or construction phase meet the appropriate emission standards for use in the Central Activity Zone. Further information can be found at the following link: <http://nrmm.london/nrmm>. The environmental sciences team can provide further information and can be contacted at: , environmentalsciences2@westminster.gov.uk
- 21 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website: www.westminster.gov.uk/street-naming-numbering (I54AB)
- 22 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point., , If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please email AskHighways@westminster.gov.uk.
- 23 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 email AskHighways@westminster.gov.uk. 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).
- 24 Under Part 3, Class E of Schedule 2 to the Town and Country Planning (General Permitted Development Order) 1995, the part of the basement and ground floors can change between the retail (Class A1) or restaurant (Class A3) uses we have approved for 10 years without 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.
- 25 With reference to condition 24 please refer to the Council's Code of Construction Practice at

(www.westminster.gov.uk/code-construction-practice). You will be required to enter into an agreement with the Council 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, e.g. the full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements), must be submitted to the City Council's Environmental Inspectorate (cocp@westminster.gov.uk) **at least 40 days prior to commencement of works** (which may include some pre-commencement works and demolition). The checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition. , , 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 Inspectorate team must be paid on submission of the details relating to the relevant phase., , Appendix A must be signed and countersigned by the Environmental Inspectorate prior to the submission of the approval of details of the above condition.

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

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 5 April 2022	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved West End	
Subject of Report	30 Sackville Street, London, W1S 3DY		
Proposal	Internal and external alterations including the erection of a single storey conservatory extension at rear ground floor level for additional Class E floorspace (to be used in connection with the restaurant proposed in the main building) , installation of plant, provision for cycle parking, landscaping and other associated works incidental to the application proposals.		
Agent	DP9		
On behalf of	Raymond Estates Ltd		
Registered Number	21/03068/FULL 21/03069/LBC	Date amended/ completed	10 May 2021
Date Application Received	10 May 2021		
Historic Building Grade	II		
Conservation Area	Mayfair		

1. RECOMMENDATION

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

2. SUMMARY

The application site is currently used as an office building. Under the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended September 2020) that use now falls within Class E, along with a number of other uses, "which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit". Those other uses include restaurants, and it is the applicant's intention to use the whole of the existing building for that purpose. This in itself does not require planning permission, but the proposals include a number of alterations which do require both planning permission and listed building consent. A key change is a proposed single storey extension to be built on the existing ground floor terrace at the rear of the site, adjacent to Albany, an historic residential enclave. Other

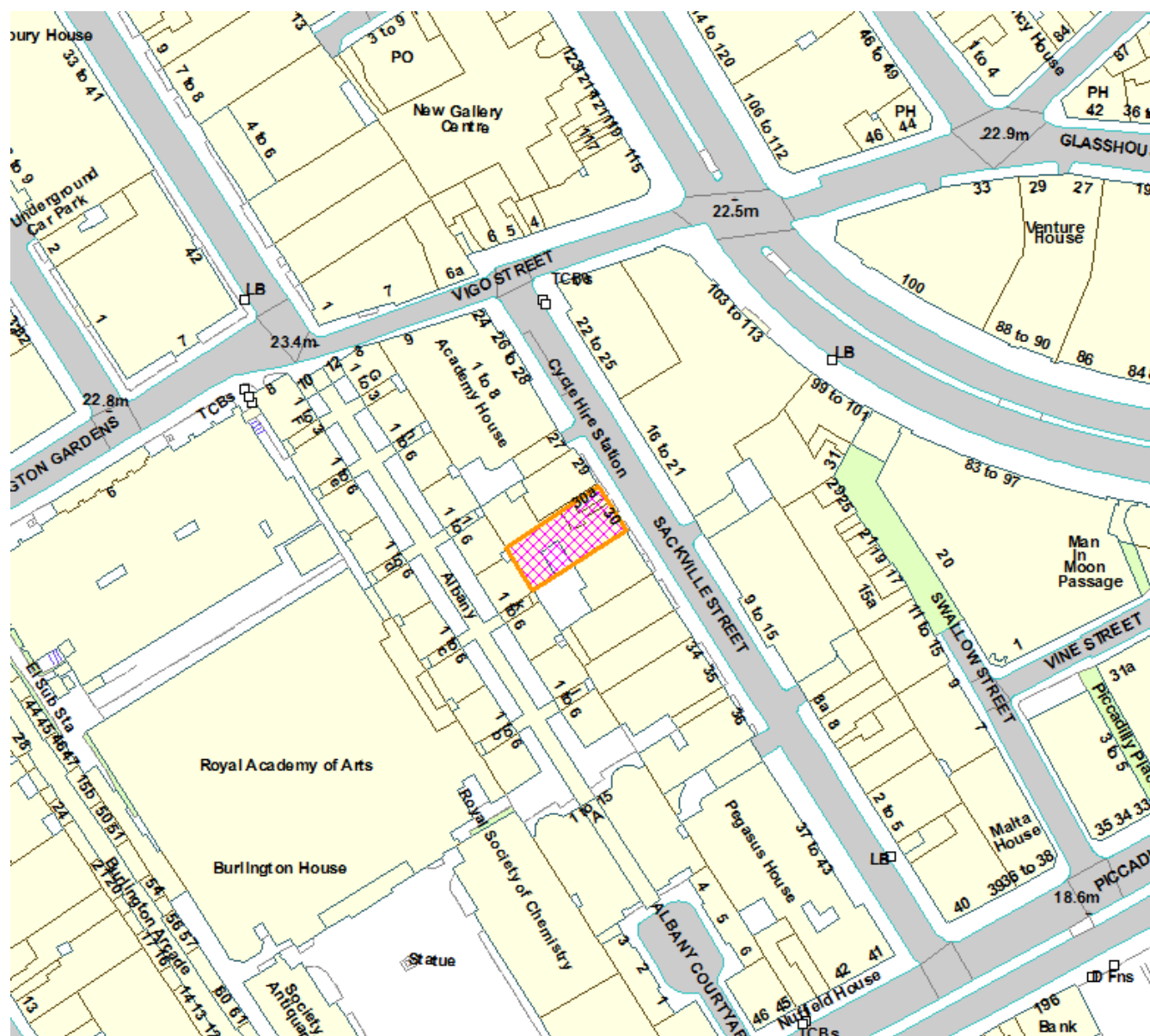
alterations include decking over the rear basement with a planted area above some new mechanical plant, a high level extract duct taken through the interior of the building and discharging at roof level, alongside some other plant and photo voltaic panels, and alterations to the interior, in particular the reinstatement of a main staircase between the ground and first floors.

These applications are a re-submission of a previous scheme for similar proposals that were subsequently withdrawn in early 2021; the main changes are the design of the rear extension and the new staircase. The current proposals, like the previous ones, generated a number of objections from the residents in Albany and the recently converted single dwelling house next door (31 Sackville Street). The main issues are considered to be:

1. the impact of the extension on the amenity of neighbouring residents;
2. the acceptability of the alterations in design and listed building terms; and
3. the adequacy of the acoustic information about the proposed plant.

For the reasons set out in the main report, the proposals are considered to be acceptable, subject to conditions.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Front of property



Part view of rear terrace & lightwell to No. 30 & lightwell to Albany (from 31 Sackville Street)



5. CONSULTATIONS

HISTORIC ENGLAND

Do not wish to comment; authorisation issued for the council to determine the listed building application.

GEORGIAN GROUP

Any response to be reported verbally.

VICTORIAN SOCIETY

Any response to be reported verbally.

TWENTIETH CENTURY SOCIETY

Any response to be reported verbally.

COUNCIL FOR BRITISH ARCHAEOLOGY

Any response to be reported verbally.

SOCIETY FOR PROTECTION OF ANCIENT BUILDINGS

Any response to be reported verbally.

ANCIENT MONUMENTS SOCIETY

Any response to be reported verbally.

SAVE BRITAIN'S HERITAGE

Strong objection on the grounds that the proposals are unsympathetic to the listed application building, including alterations to the fabric of the interior that erode its character and significance, and 'a harmful intrusion into the environs of the Grade I listed Albany'.

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

Any response to be reported verbally.

MAYFAIR RESIDENTS GROUP

Any response to be reported verbally.

ENVIRONMENTAL HEALTH

Initial holding objection due to clarification required about the submitted acoustic information and the kitchen extract proposals and whether issues raised in the previous (withdrawn) application had been addressed;

Following the submission of additional information, no objection subject to conditions.

HIGHWAYS PLANNING

Advises that the proposal is acceptable with regard to cycle parking, servicing, waste storage and car parking/traffic generation and has no objection subject to conditions.

WASTE

No objection subject to a condition to secure the storage areas for waste and recycling.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 116

Total No. of replies: 26

No. in support: 0

No. of objections: 26 (including one on behalf of The Trustees of Albany);

Objections received on some or all of the following grounds:

Land use

- The proposed use is unsuitable for the area, which is characterised by some businesses and residential uses, with other restaurants in Sackville Street being smaller and less harmful in amenity terms;
- The proposed extension would significantly increase the capacity of the restaurant and materially change the nature of the Class E use in the main building;

Design and Heritage

- The proposed extension at the rear constitutes inappropriately scaled development in a highly sensitive location causing harm to the significance of the surrounding heritage assets including listed buildings [in particular, Albany] and the Mayfair Conservation Area;
- The proposals will cause harm to 30 Sackville Street [as a listed building], in particular the partial infilling of the rear yard with the free-standing deck;
- That the assessment of the impact of the development on Albany, the Conservation Area and other surrounding listed buildings is inadequate and its conclusions unconvincing;
- Mistakes in the Heritage Statement and questionable statements about the relationship of the application site with Albany;
- Potential adverse impact on heritage and visual amenity if greater plant attenuation is required;
- That the revised proposals are largely the same as the withdrawn scheme;
- The green roof is not visually appropriate;

Residential amenity

- Noise nuisance from the restaurant use within the main building, including the playing of music, particularly uses adjacent to the party wall with 31 Sackville Street, and the proposed extension;
- Noise/vibration nuisance from mechanical plant;
- concerns about the lack of adequate assessment of noise transmission via party walls (Albany and 31 Sackville Street) and glazing and the use of an inadequate secondary glazing system for acoustic purposes;
- Outdoor noise at the front of the property with the arrival and departure of staff and guests, smokers and vehicles, including service vehicles and possibly rickshaws;
- That the departure of potentially large groups of patrons leaving late at night has not been assessed;
- Concerns that old noise surveys were initially used, that a subsequent noise survey was taken during 'abnormally low' background noise levels during the covid-19 pandemic and that when a new survey was more recently carried out it appears to contradict earlier findings - that the noise survey remains inadequate and that an adequate survey dataset is provided;
- Inadequate assessment of the proposed plant itself and the likely requirement for greater

attenuation;

- Concerns that the proposed extension is not structurally separate from the Albany party wall (as stated in the application) and that there is some solid connection that may allow sound transmission;
- Incorrect assessment of the proposed 'barrier attenuation' for plant noise [at roof level] with potential noise nuisance;
- Increased sense of enclosure from the proposed extension, loss of privacy from overlooking from windows in the main building and the new extension;
- Inadequate sound mitigation measures;
- Loss of light, and "breezes" to two Albany staircases and their residents;
- Loss of privacy through overlooking;
- Concerns about the use of flat terraces/planted deck as dining/drinking/smoking areas, causing loss of amenity to residents in Albany and 31 Sackville Street, that the proposed use of conditions to restrict use of these areas is inadequate and that there should be a Section 106 legal agreement to preclude use of these areas and even a restrictive covenant;
- Light pollution from the proposed illumination of the ground floor green deck between the new extension and the main building – with a request that it is conditioned not to be lit after 8pm during summer months and 6pm during winter months;
- Absence of a draft operational management plan referred to in the submission [this was accidentally missing from the application documentation but submitted shortly afterwards];
- No reference to how smokers will be managed;
- Questions about the effectiveness of the proposed filtering system for the kitchen extract system;
- That the revisions to the scheme, in particular to the design of the rear extension, are insufficient to overcome the concerns previously expressed about the withdrawn application;
- Odour pollution and other airborne particulates;
- Possibilities of pest/vermin;
- Noise/disturbance during building works;

Traffic/Highways

- Intensification of vehicular movements due to guests and servicing, with associated impacts on noise pollution, air pollution and amenity;
- Under estimation of servicing deliveries;
- Questions about the accuracy of information and assumptions in the Transport Note.

Requests that if permission is granted, it should be subject to a number of conditions, including a Section 106 Legal agreement that binds the property in perpetuity by obligations regulating use restrictions of certain areas and the prohibition of noise, and even a restrictive covenant. Where possible conditions are proposed that address objectors' concerns and these are considered within the body of the report below.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

There was a reconsultation with the agent acting on behalf of The Trustees of Albany, who had appointed their own acoustic consultant, when the revised acoustic report was submitted.

The applicant has also carried out consultation with neighbouring residents, as outlined in the Statement of Community Involvement. This included conversations with both the owners of 31 and 29 Sackville Street and the Albany residents at the rear of the site, with engagement including a number of online meetings and various letters.

6. BACKGROUND INFORMATION

6.1 The Application Site

The building (technically comprising 30 and 30a Sackville Street but used as one building) is located on the west side of Sackville Street and backs on to Albany (which comprises a number of residential apartments and is listed Grade I). The application site is listed grade II and dates from the early eighteenth century, with nineteenth century alterations. The interior retains elements of panelling, doorcases to the ground floor and the first floor front room is fully panelled with enriched plaster cornice. Comprising basement, ground and three upper floors, it is used wholly for unrestricted office purposes within Class E.

This application lies in the Central Activities Zone, the West End Retail and Leisure Special Policy Area and the Mayfair Conservation Area. It is just outside the West End International Shopping Centre (the boundary runs along most of Sackville Street).

Although located within a part of the West End that is predominantly commercial, close to Regent Street and Piccadilly, there is some residential accommodation in the vicinity of the site as well. In addition to Albany mentioned above, records indicate that there are a couple of penthouse flats in 16-21 Sackville Street (opposite the site), eight flats in Academy House to the north (on the corner with Vigo Street) and a single dwelling house immediately next door to the south of the site, 31 Sackville Street.

It is noted that The Heart of London Business Alliance have produced a report titled 'The Economic Case for Public Realm Investment in the Heart of London Area' (October 2019), which includes a case study for the potential transformation of the public realm of Sackville Street. This report notes that "Sackville Street maintains a low profile compared to its better known neighbours". It is understood that this report is aspirational and that there is no immediate likelihood of significant changes being introduced.

6.2 Recent Relevant History

February 2021 – planning and listed building applications withdrawn for 'Continued use of the whole building as Class E floor space ('Commercial, business and service'), as a restaurant, with alterations including the erection of a single storey conservatory extension at rear ground floor level for additional restaurant floorspace, installation of plant at roof level, alterations to the servicing arrangements, provision for cycle parking, landscaping and other associated internal and external works. (20/06565/FULL and 20/06566/LBC). This followed advice that the proposed extension and certain aspects of the internal alterations (in particular the modern design of the reinstated staircase within the main building) were unacceptable in design and historic building terms, that there were outstanding environmental health issues with regard to the submitted acoustic report and a number of objections from residents that also referred to the above concerns.

The current applications are a revised submission of that withdrawn scheme.

January 2002 - A Certificate of Lawfulness issued for the use of the ground floor of No. 30 and front parts of basements of Nos. 30 and 30A [the parts previously approved in 1986 for retail use] as offices (Class B1) (01/06490/CLEUD). The officer's report noted that "The whole of the building is currently in Class B1 office use".

October 1986 – planning permission granted for 'Alterations in connection with refurbishment and restoration including demolition of the rear extension to reinstate courtyard, and use of basement and ground floors as part retail, part offices and first to third floor as offices' (85/05494/FULL).

The applicant has also drawn attention to a permission granted in February 2020 for the redevelopment of Pegasus House and Nuffield House (to the south of the site, on the corner of Sackville Street and Piccadilly, which also backs on to Albany) including demolition behind a retained facade (west, south and east) of Nuffield House and a replacement building comprising two levels of basement, ground, mezzanine and first to seventh floor, and demolition and replacement of Pegasus House, comprising two levels of basement, ground, mezzanine and first to fifth floors, and amalgamation of the two buildings to provide new office, retail, restaurant [on the Sackville Street frontage], flexible office / retail, and residential accommodation, and other associated works.

7. THE PROPOSAL

The applicant's intention is to convert the existing office building into a restaurant - planning permission is not required for this change of use. The overall capacity of the restaurant would be 150 covers, based on the fire capacity of the building. 25 of these covers are shown located in the proposed rear ground floor extension. The opening hours would be 10am to 12am (midnight) daily. Planning permission is required for the external alterations to the building, which include:

- the addition of a rear extension (an additional 38.8 m² GIA (representing a 4% increase in floorspace, with the existing building comprising 940 sqm GIA) at ground floor level on an existing terrace, the roof of which will be landscaped as a green roof;
- construction of a free-standing deck, also to be landscaped, at ground floor within an existing rear lightwell to screen the plant at basement level and provide visual amenity for guests within the new rear extension;
- a 'green screen' at ground floor level on the boundary between the application site and 31 Sackville Street next door;
- installation of additional plant at the roof level and minor access openings.

Listed building consent is also required for these alterations and works to the interior of the building, which are summarised as follows:

Basement

To reconfigure the existing basement to include the main kitchen facilities, including preparation areas and storage rooms, a staff room, dedicated waste storage, cycle parking facilities and rearranged WC facilities. A new lift will be installed, and an existing

stair well will be removed to improve the overall layout of the basement. The WC facilities at this level will be available for the use of staff. An accessible WC will be provided for and patrons which will be accessible via the lift. Dumbwaiters will be installed to all levels of the building, allowing food from the kitchen in the basement to be easily transported throughout the building.

The waste store will be provided within the existing vaults below the Sackville Street and will be accessible both internally via the basement and externally via the lightwell from Sackville Street. New plant will be installed within the existing external rear courtyard within the basement level, which will be covered with a new free-standing suspended deck at the ground floor level.

Ground Floor

The ground floor will be used as the main reception area, the main dining area and bar, with the proposed extension at the rear to create an enclosed dining area. This extension will be accessed from the ground floor via a new door formed via the removal of an existing full height sash window within the external facing of the rear wall. The extension will have a staircase linking it with the basement kitchen below. The rear extension will have glass doors that can open onto the suspended deck area. However, these doors will be required to remain closed during dining hours of operation.

The new extension will have a rendered finish to match the existing and will have a blue-green roof on top of it. The rear wall of the extension is largely independent and setback from the Albany wall, with a void between them, apart from along the line of the extension's roof and with a gutter where the extension is set back from Albany's lightwell.

The main entrance is retained. The period features, architraves and cornices will be refurbished and protected to enhance decorative order within the front rooms. A new traditional stairwell is proposed to be introduced into the front room reception area to connect the ground floor with the first floor. A new glazed lift is also proposed to be installed in the building to improve circulation to the upper floors. There are a number of restorative works proposed to the ground floor including the reinstatement of a currently blocked fireplace and new linings. New alcove cupboards are proposed on both sides of the historic fireplaces to conceal new ventilation ducts and to help provide an improved acoustic separation against the party wall. These cupboards will extend up through the building for the same purpose. Any skirtings/mouldings will be reused where possible and installed to match the original.

First Floor

The existing rooms at the first-floor level will be used as smaller dining room areas. The new stairwell from the ground floor will provide the main access to this level. Part of the first floor in the front room is proposed to be removed to accommodate the new stairwell and to create a void. The proposed staircase will be of a Georgian design and will increase circulation within the building, while providing a staircase that is in keeping with the character of the building. The service riser will extend through this floor.

Second Floor

The second floor is proposed to be used by the restaurant staff for admin purposes. It is also proposed to reconfigure the layout of the WC facilities for the use of both diners and staff at this level. Again, the service riser will extend through this floor.

Third Floor

The third floor is proposed to be used for private dining and sitting areas. The existing terrace at this level is proposed to be refurbished and landscaped to encourage habitats for wildlife. The terrace will be used for maintenance purposes only and to provide access to the plant machinery. A green screen will be installed around the perimeter of the balcony to screen the terrace and the dining area from the neighbouring windows in Albany.

Roof Level

The roof currently supports air conditioning units, located within the inner roof valley. It is proposed to consolidate all the mechanical plant into the existing plant room zone, currently defined by a lower level lead roofed structure located to the north boundary adjacent to 29 Sackville Street. The plant will be further screened by acoustic louvers to help mitigate any potential for noise generation. The new kitchen extract flue is located between the two pitched roof forms to remain hidden from views. The extraction system will incorporate the latest carbon filtration technology to ensure that the discharge is odourless.

The key revisions to the scheme compared with the withdrawn one are a redesign of the rear extension (in particular the removal of rooflights) and a more traditional design of the replacement staircase between ground and first floor levels, as well as updated acoustic information. The detailed changes to the proposed rear extension are as follows:

- Two new external parapet copings walls (with 'ball balusters') have been raised by 537mm compared to previous. These have a 'perforate' design.
- The new parapet to the Albany light well has now lowered by 176mm.
- Previous raised rooflight/lantern has been omitted, reducing overall height to the adjacent light well by 340mm.

Objections to the proposals being largely the same are not considered to be reasonable as the scheme does include material changes and any legitimate issues of concern can be addressed by condition.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The lawful use of the building is for office purposes. This is unrestricted by any previous planning permission. This use falls within Class E (introduced by central government in September 2020) and it means that the building can be used for any other use within that Use Class without the need for planning permission. This includes retail sale of goods, financial/professional services, indoor sport/recreation/fitness, the provision of medical or health services, as a creche/day nursery/day centre, offices/light industrial use, and for the sale of food and drink which is mostly consumed on the premises (namely café/restaurants). It is the latter use which the applicant intends to use the building for.

Planning permission and listed building consent is however required for the external alterations, including the proposed rear extension. It will provide an additional 38.8 m2 of

GIA floor area, which the applicant advises would be a 5% increase in floorspace. It would contain 25 covers, out of a total of 150.

Policy 16 (Food, drink and entertainment) of the City Plan

Mayfair Neighbourhood Plan 2019-2040 states that “Proposals for food and drink and entertainment uses will be of a type and size appropriate to their location. The over-concentration of those uses will be further prevented where this could harm residential amenity, the vitality and character of the local area or the diversity that defines the role and function of the town centre. Applications for entertainment uses will need to demonstrate wider benefits for the local community, where appropriate.”

Policy MSG1 (Sustainable Growth) of the Mayfair Neighbourhood Plan

States that “Growth is encouraged within Mayfair which shall for the purpose of this policy be construed (where appropriate) as including increased density, intensity of use, efficient use of existing floorspace, amount of mixed use floorspace, numbers of units (where subdivision is appropriate), and activity (by providing restaurants, cafés, galleries, shops, and other uses which animate the streetscene for the public). Mixed use will generally include residential and commercial floorspace.”

Policy MRU1 (Residential Amenity) states that “Proposals for new commercial or entertainment uses in Mayfair must demonstrate how they protect the amenity of nearby residential units and create no material additional adverse effects (after mitigation) such as noise and rubbish between 11pm and 7am.”

There have been objections to the proposed restaurant use, but given that the use of the main building for this purpose does not require planning permission, the principle of restaurant use cannot be resisted. Objections to the extension creating an unacceptable intensification of the use are not considered to be sustainable given its small size. It should also be noted that if the building converted to a restaurant, planning permission would not be required to use the existing terrace at rear ground floor level for outdoor dining (albeit subject to weather and potential restrictions on a Premises Licence).

Objectors refer to the absence of an operational management plan (OMP) that is referred to in the planning documentation. This was accidentally not uploaded with the main submission but provided a month later and added to the planning documents. However, it is only a draft and a condition requires an updated version to be submitted, which can be more specific once there is a prospective operator for the restaurant.

The draft OMP does not refer to how the management would deal with guests who wish to smoke. This can be dealt with in an updated OMP but the applicant has advised that customers who want to smoke will be directed northwards up Sackville Street, away from the neighbouring residences. The rear terraces will not be accessible to customers. Smokers will be monitored by the building management and asked to keep noise to a minimum and not to congregate in front of the doorway.

Objectors' request that use of the proposed extension is only permitted between 10am – 9pm Sunday to Thursday and 10am – 10pm on Friday and Saturday is not considered reasonable nor necessary, as midnight is considered to be an acceptable time given the

conditions that are proposed to ameliorate any potential impact on amenity.

The applicant has argued that the proposal will create benefits, including the restoration of the main staircase between the ground and first floors, and that public access will enable appreciation of the interior of the listed building.

It is considered appropriate to restrict the use of the extension to restaurant and office use only, as the scheme has not been assessed if it were used for any of the other uses within Class E. However, given the existing use of the building as offices, the small increase in floorspace and the fact that policy 13 of the City Plan supports office growth within the CAZ, this is also considered to be an acceptable alternative use.

One objector refers to the possibilities of pests/vermin: this is a difficult issue to control whatever the use but the provision of an adequate waste storage area within one of the front basement vaults should help keep this to a minimum.

8.2 Townscape and Design

Site

The building is listed grade 2 and makes a positive contribution to the character and appearance of the Mayfair Conservation Area. It forms part of a terrace of listed buildings on the west side of Sackville Street, which includes the grade 2 star listed No.29. The other buildings are listed grade 2. At the rear of the building is the eastern (rear) facade of Albany which is listed grade 1.

No. 30 is a large house of the 1730's but it has been much altered. The ground floor was refashioned, probably in the late nineteenth century, to provide a shopfront and two doorways. The interior has been altered but its plan form and some decorative features, including panelling and other joinery and plasterwork, have survived. One significant change has been the removal of the original main stair from ground to first floor in the north east corner of the building.

Legislation and Policy

The key legislative requirements in respect to designated heritage assets are as follows:

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that

"In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Section 66 of the same Act requires that

"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Section 72 of the same Act requires that

“In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

The proposals

The proposals involve internal and external works including a rear extension. These works will affect the special interest of the listed building, the character and appearance of the Mayfair Conservation Area and the settings of adjacent listed buildings.

1. External works

The main changes are at the rear of the building and include a rear extension adjacent to the rear wall of Albany, a deck over the rear area between the main building and the existing basement extension and roof level plant.

a). Rear extension

The proposed ground floor extension at the rear of the site would be above the existing basement extension, adjacent to the rear wall of Albany. This wall is largely blind, although there are a few small windows. Most of the rear windows in Albany are set within small lightwells. The upper two storeys of the rear wall are of unpainted brickwork. The base of the rear wall, where the proposed extension will be located, is rendered and painted, and is of plain, utilitarian design. It is not, in itself, of high heritage significance. A key consideration is that there are other rear extensions to the buildings in the Sackville Street terrace with a similar architectural relationship to Albany. Nos. 29, 32 and 34 have rear extensions, of two storeys or more, which are adjacent to the rear wall of Albany.

The proposed rear extension will have an impact on the plan form of the listed building at ground floor level. The current, traditional, ‘L’ shaped plan form will be lost, and the rear wall of the main house will be more enclosed. At present the rear windows in the main face of the rear façade (particularly at first floor level) are 10 metres from the rear wall of Albany, but they will be only 5 metres from the proposed extension. It is considered that this will cause less than substantial harm to the special interest of the listed building.

The proposals will affect the setting of the rear (east) wall of Albany. Had the proposed extension been the first in this location there may have been a stronger case for arguing that it would harm the setting of Albany but as there are a number of other existing extensions in similar locations, the setting is already much altered from its original arrangement. In this context it is considered that the proposed extension would not cause harm to the setting of Albany, to the settings of other neighbouring listed buildings in Sackville Street, or to the character and appearance of the Mayfair Conservation Area.

Officers had previously advised that if an extension in this location was considered acceptable in principle then a lightweight, glazed conservatory-type structure might be more appropriate. However, such a structure could have been seen as incongruous at the rear of the terrace where there are no other conservatories, and it may also have created greater amenity issues for neighbouring properties, including Albany.

The proposed extension is largely glazed on its eastern front facing the rear of the main house, with a bottle balustrade, similar to the existing one on the roof of the basement extension, and a green roof above. It is considered that this design is appropriate to its context. While a traditional roof would be appropriate in listed building terms, the use of a green roof in this location complies with the City Council's environmental policies and is not considered to harm the special interest of the listed building.

b). Rear basement area

The existing rear area, between the main building and the existing basement extension, is to be covered with a deck supporting a landscaped area. A planted screen is provided on the southern side, adjacent to No.31, above the existing single storey wall that separates the two properties. Mechanical plant will be installed below the deck. The existing enclosing walls, including the windows in the rear wall of the main building, will be retained. Although the rear basement area will no longer be open to the sky, the deck is well designed, and the works are potentially reversible. These alterations are not considered to harm the special interest of the listed building.

c. Roof level

There is an existing plant room between the front and rear roofs at the northern end of the building. Additional plant is proposed in the area between this plant room and the party wall with the No.29. Photovoltaic panels will be installed on the west facing slope of the front roof. These works are located discreetly and will not harm the significance of the listed building or the conservation area. At the west end of the rear wing there is an existing roof level terrace to which a simple metal balustrade and a planted screen will be added. This is considered acceptable in listed building terms.

d. Front facade

The front facade will be largely unaltered. A new pair of traditionally designed double doors is proposed in the southern door opening and a handrail added adjacent to the northern entrance. These works will not harm the significance of the listed building or the conservation area.

2. Internal works

The proposed works include the reinstatement of a traditional stair (in the likely location of the original), the installation of a glazed lift (to replace the existing modern lift), risers in the rear wing (adjacent to the secondary stair) and on the party wall with no.31, toilets in the south west room at first floor, and the reinstatement of missing chimneypieces. Where original historic fabric survives, such as panelling and decorative joinery work, this will be retained and new work designed to suit. Detailed drawings and samples of

new joinery and plasterwork should be required by condition if listed building consent is to be granted.

The introduction of the staircase from ground floor to first floor is based on the designs of other stairs of the period, in Sackville Street and Old Burlington Street. This work does involve the removal of some later work (probably from the 19th century) on the northern party wall, but this is more than outweighed by the benefits of re-instating the staircase. All other panelling will be retained and replicated where it is missing. The later arched opening on the west wall of the entrance hall will be replaced with a new door opening to match the originals.

The front and rear rooms at ground floor (south) have been extensively modernised and contain few features of historic or architectural interest. In the ground floor front room a new cornice will be installed to match that in the entrance hall. A new skirting board will be used to match that in the rear wing. A similar approach is proposed in the rear room. In the rear wing the existing sash window is removed to create a link to the new extension, which will cause a low level of less than substantial harm to the significance of the interior and exterior of this part of the rear wing. The framework, architraves and side lights of the existing arrangement will be retained. If the principle of the rear extension is agreed then the proposed design is an acceptable way of providing access to the extension.

Consultations

Historic England and the National Amenity Societies, including the Georgian Group, have been consulted. Historic England because of the potential impact on the setting of Albany (Grade 1) and the National Amenity Societies because of the demolition works, although these are relatively small in extent and impact. Historic England state that they do not wish to comment and have issued authorisation for the City Council to determine the application for listed building consent as it thinks fit.

The strong objection from SAVE Britain's Heritage is noted but it is considered that this is overstated. The impact of the proposed alterations to the rear are not considered to have such an adverse impact on Albany as to justify a refusal, for the reasons stated above. Similarly the internal alterations are considered to be acceptable and the reintroduction of a staircase based on a traditional design is welcomed. The proposals have a minimal impact on the front of the building, and its contribution to the character and appearance of the townscape is maintained. Accordingly, this objection is not considered to be sustainable. No representations have been received from the national amenity societies, including the Georgian Group, who specifically asked to be consulted.

There have been a number of objections on heritage grounds, mainly from residents in Albany and the owner/occupier of No. 31. There are several objections to the proposed rear extension and its impact on the setting of Albany and on the conservation area. An objector states that there is no precedent for such a rear extension, but this ignores the fact that there are other extensions adjacent to the rear wall.

There is criticism of the heritage assessment submitted with the application. However, whatever deficiencies the statement may have, officers have made their own assessment of the heritage impacts, taking into account the submitted statement.

An objector raises concerns about potential structural implications. However, there are no reasons to believe that structural problems will arise from these proposals that will affect the listed building or adjacent listed buildings, including Albany. Therefore it is not considered necessary to reserve (by condition) details of structural works in this particular case.

In conclusion, it is considered that some of these works, such as the rear extension, the removal of the rear window at ground floor level and the internal risers, will cause a small degree of less than substantial harm to the significance of the listed building. This harm must be weighed against proposed public benefits, which include improvements to the interior of the listed building and enabling public access to a listed building. It is considered that the reinstatement of a traditional stair and other decorative features are benefits which would outweigh that low level harm.

Overall the proposals will safeguard the special interest of the listed building, and will not harm the significance of the Mayfair Conservation Area or the settings of adjacent listed buildings. They comply with the City Council's urban design and conservation policies including policies 38, 39 and 40 of the City Plan.

8.3 Residential Amenity

City Plan 2019-2040 Policy 7 (Managing Development for Westminster's People) seeks to ensure proposals are neighbourly by protecting and enhancing amenity, preventing unacceptable impacts such as loss of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking and protecting local environmental quality.

Policy 33 (Local Environmental Impacts) of City Plan 2019-2040 seeks to protect the local environment from adverse impacts from developments such as from pollution, noise and vibration, odour, land contamination and construction impacts.

The proposals have generated a number of objections (see section 5. Consultations above) on several amenity issues, addressed below.

Daylight - Vertical Sky Component and Daylight Distribution/No Skyline - and Sunlight

The applicant has submitted a Daylight and Sunlight Report which has been carried out with reference to the recommended Building Research Establishment (BRE) guidelines (2011). (Although this is a re-submission of the report that accompanied the withdrawn application, it is accompanied by a Supplementary statement from the daylight consultants stating that they consider additional technical assessments to those carried out previously have been deemed unnecessary bearing in mind the relatively minor nature of the proposed changes. This approach is considered reasonable.)

The BRE guidelines states that bathrooms, toilets, storerooms, and circulation space need not be analysed as these rooms are non-habitable rooms and do not have a requirement for daylight. The guidelines state that the tests may also be applied to non-domestic buildings where there is a reasonable expectation of daylight. The BRE guide explains that this would normally include schools, hospitals, hotels and hostels, small workshops and some offices.

The daylight and sunlight report assesses the impact of the development on windows at the closet properties to the site namely, 31 Sackville Street and the rear lightwell that serves Blocks I and K in Albany.

With regard to daylight, Vertical Sky Component (VSC) is the most commonly used method for calculating daylight levels and is a measure of the amount of sky visible from the centre point of a window on its outside face. This method does not need to rely on internal calculations, which means it is not necessary to gain access to the affected properties. If the VSC achieves 27% or more, then the BRE advises that the windows will have the potential to provide good levels of daylight. If, however, the light received by an affected window, with the new development in place, is both less than 27% and would be reduced by 20% or more as a result of the proposed development, then the loss would be noticeable.

The distribution of daylight within a room is calculated by plotting the 'no sky line' (NSL). The NSL is a line which separates areas of the working plane that do and do not have a direct view of the sky. Daylight may be adversely affected if, after the development, the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value. The report identifies that all rooms assessed comply with BRE guidelines for NSL, including the objector's property.

In terms of sunlight, the BRE guidance states that if any window receives more than 25% of the Annual Probable Sunlight Hours (APSH where the total APSH is 1486 hours in London), including at least 5% during winter months (21 September to 21 March) then the room should receive enough sunlight. If the level of sunlight received is below 25% (and 5% in winter), the loss is greater than 20% either over the whole year or just during winter months and the absolute loss of APSH is greater than 4%, then the loss would be noticeable. Only those windows facing within 90 degrees of due south require testing.

Results of Daylight and Sunlight Analysis

The report demonstrates that with regard to the impact of the proposed extension on 31 Sackville Street, there are small losses of daylight to the two dining room windows at lower ground floor level (19% and 8% VSC), negligible losses to some of the upper windows and negligible losses to daylight distribution to the lower ground floor dining room. There is no loss of sunlight.

At Albany there is a rear lightwell that is partially open towards the rear of 30 Sackville Street. This serves apartments in Block I and K: there are duplex apartments at ground and basement level, and other apartments above, each of which has windows either side of the lightwell at right angles to the application site (with obscure glazed windows which face directly towards the rear of the application site. The ground floor windows (which serve bedrooms) are just below the level of the boundary wall; the basement windows (serving small kitchens) are at the bottom of the lightwell and receive very little natural light. It is not known what room the first floor window in Block K serves, but the opposite first floor window in Block I is to a kitchen.

The proposed extension is adjacent to the rear wall of Albany but there is a setback where it aligns with the Albany lightwell, to reduce the impact on the amenity of the

windows in the lightwell.

The Daylight and Sunlight Report has assessed the ground and first floor windows but not the basement ones. These have been visited by the case officer and the light levels to the basement are extremely low and it is not considered that an assessment of these windows is required as any loss of daylight will be negligible/non-existent.

The report states that there is a 28% reduction (in relative terms) in daylight to the ground floor bedroom in Block I. However, this is from a low starting point of an existing VSC of 4.02% reduced to 2.91%: as the absolute loss is small (1.11), the low existing light levels cause a disproportionate high percentage reductions. The report also concludes that there is a loss of 13% to the ground floor bedroom in Block I, which is within the recommended guidelines; no other windows are affected in terms of daylight distribution. As a consequence, it is not considered that the amenity of this room will be materially harmful in terms of daylight, especially as it is a bedroom.

The only loss of sunlight is to the ground floor bedroom in Block I: this only receives 6 annual probable hours of sunlight (APSH) at the moment and the proposed extension would reduce this to 2, i.e. a loss of 4. The BRE Guidelines (para. 3.2.3) do advise that *"To assess the loss of sunlight to an existing building, it is suggested that all main living rooms of dwelling, and conservatories, should be checked if they have a window facing within 90 degrees of due south. Kitchens and bedrooms are less important, although care should be taken not to block too much sun."* The Guidelines also state that the sunlighting of an existing dwelling may be adversely affected if the window has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours, which is the amount of loss estimated for the ground floor window in Block I. Again, given that this is a bedroom, and in accordance with the BRE Guidelines, there is not considered to be any grounds for resisting the proposals in this respect.

There is no loss of daylight or sunlight to the windows in Block K, which face north.

Sense of Enclosure

There have been objections that the extension will result in an increased sense of enclosure to the rear of 31 Sackville Street and Albany's lightwell. The rear of 31 Sackville Street is already enclosed by the rear of Albany, which is considerably taller than the proposed extension. The extension is also diagonally opposite the rear of No. 31, not directly behind it, and it is not considered that it will result in a material increase in the sense of enclosure when viewed from that property.

There will be some enclosure to the bedroom windows in the Albany lightwell, but this is mitigated by the proposed set back in the extension where it aligns with the lightwell. Given that the affected rooms are bedrooms and are already enclosed (because the face into the narrow lightwell) the impact is not so great as to justify a refusal.

Privacy

There are objections that the proposal will cause loss of privacy through overlooking. The only window in the extension is the glazing along the side that faces the rear of the application site. Potential overlooking towards the rear of 31 Sackville Street is

prevented by the installation of a screen along the boundary between the two properties. A screen is also proposed to the flat roof at third floor level to prevent overlooking towards Albany. These screens will be secured by condition.

Objections that there will be overlooking from the main building towards the Albany lightwell cannot be sustained as these are existing windows.

Objections that the roof of the extension, the landscaped area on the freestanding platform within the basement lightwell and the existing flat roof at third floor level are addressed by a condition limiting access to these areas to maintenance or escape only.

Acoustic information

The Environmental Health Officer (EHO) has confirmed that he has no objection to this application on environmental noise or nuisance grounds. The site has been assessed as being in an area in which existing ambient noise levels are below World Health Organisation (WHO) guideline levels during the daytime (LAeq,16hrs of 55dB daytime (07.00-23.00hrs)) but above WHO guideline levels during the night-time (LAeq,8hrs 45dB night-time (23.00-07.00hrs)). The application is supported by an acoustics planning assessment by Hepworth Acoustics (on behalf of the applicant) dated November 2021. This report was produced following objections made to a previous version dated April 2021. As well as the November 2021 report, the EHO has also reviewed further comments from RSK Acoustics (on behalf of objectors in Albany) dated 24 January 2022 and a response report from Hepworth Acoustics dated 4 February 2022 [included in the background papers].

Hepworth confirm that the restaurant's proposed opening hours are from 1000 to 0000hrs daily. The concept is a luxury fine-dining restaurant, with diners distributed across several, smaller rooms, with a relatively low number of people in each space. The proposed total number of patrons is 150, split across three levels. The EHO comments that this will allow internal activity noise levels to remain reasonably controlled. The applicant has stated that background music will be played in the restaurant areas, at an inobtrusive level.

The updated acoustic report refers to a noise survey where measurements were carried out simultaneously from two distinct locations to determine the design level for the proposed mechanical plant. This was at the request of the previous EHO [who subsequently left the council]. Measurements were carried out over both weekday and weekend periods. One of the measurement positions was to roof level and the other position was to a 3rd floor terrace to the rear of 30 Sackville Street. It is this second position that is deemed representative of the nearest residential receptors at the Albany. The nearest windows to properties at the Albany are said to be 7 metres away from the measurement position.

The results of the survey measured the lowest background noise level to be 45 dB LA90 (15 min) for the proposed operating hours of 10.00 to 00.00hrs (these hours would be conditioned). As ambient noise levels are above WHO guideline levels the proposed plant is required to operate at least 10 dB below the lowest background noise level. Hence the proposed design level is 35 dB LPA at the nearest noise sensitive receptor.

RSK (on behalf of objectors) highlight that Hepworth state that the noise climate is dominated by road traffic with some mechanical plant noise evident. RSK comment that there is no noticeable drop in noise levels overnight which would be expected with road traffic noise. The EHO comments that it is apparent that there is minimal fluctuation in the measured noise levels, and it may be that there is some existing plant noise, but given the location, the lowest measured background noise level is deemed representative.

Mechanical Plant

The proposed plant comprises mechanical ventilation and heat recovery (MVHR) unit to the basement, two air source heat pumps (ASHPs) to the rooftop, and kitchen supply and extract fans within an internal riser with an intake and exhaust at rooftop. Hepworth confirm that the refrigeration and freezer units will be internal and will not require an outdoor condenser/compressor unit. To mitigate noise levels Hepworth, recommend that the duct attenuators ('silencers') are installed to the atmospheric side of the MVHR intake and exhaust and to the intake and exhaust for the kitchen extraction system. Hepworth recommend that all external ductwork is acoustically lagged. These measures can be conditioned.

The ASHPs at roof level will be screened from noise sensitive receptors at The Albany by the roof line. There is a difference of opinion between Hepworth and RSK as to the attenuation provided by this barrier/screening. Hepworth have used the barrier calculation as per BS5228 to predict the barrier attenuation. Hepworth's detailed calculations indicate that the proposed mechanical plant installation is likely to comply with the relevant design level. However, given some of the doubts expressed by RSK in relation to the uncertainty with the barrier calculation, the EHO recommends that a condition requiring the submission of a post-commissioning noise survey demonstrating that the plant/machinery complies with a condition restricting noise levels of the plant is applied to the permission.

There are objections that the proposed plant etc may be inadequate, about the effectiveness of the proposed filtering system for the kitchen extract system, creation of odour pollution and other airborne particulates, and that further mitigation measures may be required that have a harmful impact of the listed building. However, Environmental Health are satisfied with the proposals and do not require any further physical interventions.

Glazing/Open windows

The applicant's consultants say that secondary glazing should be installed to protect against music noise breakout to the existing elevations. They specify that 6.4 mm thick laminated glass secondary glazing should be installed at a minimum depth of 100 mm inside the existing window frames, which should provide adequate sound insulation.

During the hours of operation, the applicant has offered to close the rear facing windows. This is a direct response of the pre-application engagement with the residents to the rear of the site. The windows will still be able to be opened outside these times if required for cleaning or air flow purposes. The objectors have requested that a condition be placed requiring windows to always remain closed at all times, but the applicant wishes to have

the ability to open windows for purge ventilation. Environmental Health consider this to be a reasonable compromise, but do suggest that a condition be placed on any permission stating that no music is to be played when the windows are open. This would ensure that, after service when staff are clearing or when the premises are being cleaned, there is less likelihood of disturbance being caused to neighbours.

One condition requires that any music played within operating hours is not audible outside the premises or in adjoining properties. Another condition requires the provision of a sound limiter to be fitted to the restaurant's sound system. This would be fitted with anti-tamper plates or within a locked cabinet to prevent unauthorised adjustment.

Some of the objectors have requested all that all doors are kept closed when the restaurant is open. There is a restriction on the door to the third floor flat but it is not considered to be reasonable to restrict the doors that open into the basement courtyard – these are enclosed within the lightwell and are beneath the proposed freestanding platform that supports the landscaped deck and with the other noise-related conditions that are proposed, it is not considered that this will cause any noise nuisance.

Customer Noise

The objector's acoustic consultant has queried the assessment of customer noise externally to the front of the building for ingress and egress of customers. The applicant's consultant has assessed the likely impact based upon the numbers of covers and type of clientele: they expect between 4 and 6 persons to be leaving or arriving every 15 minutes. The objectors believe that this is possibly underestimating the numbers and impact. Such a matter is difficult to measure with any certainty but the noise from customers can be controlled via the operational management plan. It might also be addressed as part of any Premises Licence.

The applicant has highlighted that Policy HRS1 of the Statement of Licensing Policy for the Council notes that with the supply of alcohol for consumption on the premises, the core hours when customers are permitted to be on the premises are:

- Friday and Saturday- 10am – midnight
- Sundays immediately prior to Bank Holidays- midday to midnight
- Other Sundays- Midday to 11:30pm
- Monday to Thursday- 10am to 11:30pm

The proposed hours of operation of 10:00 to 24:00 are generally in accordance with the core hours of operation outlined within the Statement of Licensing Policy. The applicant also notes that the development of Pegasus House at 37-43 Sackville Street has a planning permission to redevelop the site and construct a large restaurant (Planning Reference 19/00529/FUL). The conditions attached to the decision notice restrict patrons' access to the building to between the hours of 0800 and 2400 each day. Given that this restaurant will be of a similar scale and is within the general location, the proposed hours of operation are considered to be appropriate for the proposed restaurant, subject to the additional management measures outlined within the OMP.

A request from objectors that there should be a legal agreement or a restrictive covenant that controls the distribution of customer areas within the building and other restrictions

on the use of the outside spaces is considered to be excessive. How the restaurant within the main building is not a matter that can be controlled as permission is not required for this. Conditions can protect amenity where possible. With regard to enforceability, this depends on neighbours reporting any breaches of conditions and enforcement action can be taken if necessary.

Sound insulation/internal activity

There are objections that the application submission does not include an assessment of sound transmission between the party walls with 31 Sackville Street and Albany. This is not entirely correct as the applicant's consultant has sought to estimate the potential transmission and acoustic integrity of the fabric of the application building. They have not been able to gain access to the adjoining properties. To protect the neighbouring residential occupier, a condition does control noise levels within the building.

With regard to the proposed extension, this has been set back from the boundaries of the site to reduce any potential impact on the Albany. The applicant advises that the new extension structure is physically, structurally and acoustically separated from the Albany wall. The gap avoids any structural connections to the Albany wall and will prevent any structure-borne sound transfer etc, but the roof of the extension would need some form of lead flashing to prevent water penetrating into the gap against the Grade 1 listed wall. There is already an existing lead flashing across this wall and this is method is a typical detail with minimal impact. This is likely to require party wall agreements.

In conclusion therefore, it is considered that given the limited planning control over the main building and the conditions that are proposed, the proposals will not have a material impact on the amenity of neighbouring residents, and that objections on these grounds are not sustainable.

External lighting

Policy 33 of the City Plan notes that developments must be designed to minimise the detrimental impact of glare and light spill on local amenity and bio-diversity. The ground floor terrace is proposed to be externally lit, with minimal lighting (LED down-cowled lighting) to provide some visual appeal to those in the dining areas, while minimising light spill upwards.

The objectors request that the lighting should not be allowed after 8pm during summer months and 6pm during winter months. This is not considered to be reasonable, given the proposed low intensity, and a condition is proposed that any external lighting at the rear of the premises must be restricted to lighting the landscaped planting deck at rear ground floor level only, it must be restricted to down-cowled LED lighting and must only be switched on between 16.00 hours and 23.00 hours daily.

8.4 Transportation and Servicing including waste

Sackville Street is a one-way street and is located in close proximity to Piccadilly Circus Underground Station to the east and Green Park Underground Station further away to the west. The site has a PTAL rating of 6b, indicating the highest level of public transport servicing possible.

Seven cycle parking spaces will be provided on site for staff members. The spaces will be provided within the basement and access is proposed to be via the existing light well. This is welcome and will be secured by condition.

Diners will be able to be picked up and dropped off on Sackville Street from the single yellow lines situated south of the site, outside 31 Sackville Street. Loading and unloading of goods will also take place here. As the site is a listed building, it is not possible to incorporate a service lift within the proposed development and access to the basement will be via the stairs located adjacent to the bike store in the front light well.

The Delivery and Servicing Management Plan notes that the Manager of the site will ensure no goods are stored on the public highway and that the scheduling of deliveries and co-ordination with suppliers will reduce the overall servicing duration from Sackville Street outside No 31.

In regard to trip generation, the submitted Transport Note outlines that in total 20 trips are expected to be generated by the small increase in class E restaurant floor area. This includes 10 arrivals and 10 departures. It is expected that the highest increase of 6 daily trips will be vehicle passengers, comprising of 3 arrivals and 3 departures. The Highways Planning Manager considers that these matters are acceptable and objections on grounds of noise and disturbance from increased vehicular activity are not considered to be sustainable. Conditions require the premises to be serviced in accordance with the Delivery and Servicing Plan, and that servicing only takes place between 07-00 – 21.00 hours on Mondays to Saturdays: this is considered to be reasonable given the location, whilst giving some protection to the amenity of residents.

Whilst there is an objection to increased activity, including servicing, resulting in a loss of residential amenity, given the fact that the main building could be used as a restaurant without planning permission anyway, the location within the West End and the proposed conditions, the objections are not considered to be sustainable.

Waste storage facilities have been provided in accordance with Westminster City Council's Waste and Storage Requirements. In the absence of any specific policy guidance specific to the application of planning applications involving Class E floor space, waste calculation has used previous Class A3 use class guidance. The waste strategy will be that waste is transferred to and from the basement floor via the staircase on Sackville Street. The private contractors will use the stairs to transport the waste once they have arrived for the scheduled collection time. The waste storage area will be secured by condition.

Concerns about the accuracy of the transport-related documents are not considered to be sustainable as the Highways Planning Manager was satisfied with this information.

8.5 Economic Considerations

No significant economic considerations are applicable for a development of this size but the its contribution to the recovery of the West End after the covid pandemic is welcomed.

8.6 Access

There are steps at the existing entrance and it is not considered possible to provide level access without detriment to the listed building. The applicant has indicated in the draft operational management plan that a portable wheelchair ramp will be stored in the Reception Area for use should a patron with accessibility issues wish to enter the premises. The ramp will be operated by the Reception Staff to ensure that it is operated in a safe manner. This will be secured by condition.

8.7 Other UDP/Westminster Policy Considerations

Biodiversity

City Plan Policy 34 notes that developments will, where possible, contribute to the greening of Westminster by incorporating trees, green walls, green roofs, rain gardens and other green features into the design of the scheme. Policy 34G also notes that developments should achieve a biodiversity net gain wherever feasible and appropriate. This includes maximising the creation of new habitats for priority species. Developments within areas of nature deficiency are also guided by Policy 34 to include features to enhance biodiversity, particularly for priority species and habitats.

Policy MG11 of the Mayfair Neighbourhood Plan notes that development proposals in Mayfair should enhance and/or protect existing green infrastructure and shall take opportunities to deliver new green infrastructure.

The proposed development includes three areas of greening, being the third-floor terrace, the roof of the extension and the ground floor decked area. An Ecological Supporting Statement has been submitted that believes that these three areas will deliver ecological benefits, as well as assisting in micro climatic cooling, improve air quality and form an integral part of the proposed water sensitive design for the extension. The semi-intensive green roof on top of the proposed ground floor extension will also help manage surface water runoff

A condition requires the planted areas (including the boundary screen) to be provided, maintained and retained in accordance with the submitted Landscaping Strategy.

There have been objections that the green roof is not visually appropriate. This is not accepted by officers, as it is considered beneficial to provide greening wherever reasonably possible, in accordance with the above policies. Given the location at the rear of the property, where it is not visible from any public vantage points, only a limited number of private ones, the impact on the setting of the listed buildings is considered to be negligible and will in fact provide a beneficial visual amenity.

Sustainability

Policy 36 of the City Plan promotes zero carbon developments and expects all developments to reduce on-site energy demand and maximise the use of low carbon energy sources. The Mayfair Neighbourhood Plan policy MES4 requires all new non-domestic developments to be zero carbon, defined as a 100% improvement over the target emission rate outlined in the national building regulations. In line with Policy

MES4.2, all new developments shall demonstrate that measures will be put in place to manage energy use in operation.

An Energy Strategy has been submitted which outlines how the building will be serviced. This includes the removal of existing gas fired heating and hot water boiler plant and the radiators and the installation of a comprehensive air source heat pump solution. Hot water will be provided by a hydro box converting the energy from refrigerant to domestic hot water, stored within unvented cylinders. This will also be supplemented by solar energy from roof mounted panels.

The proposed Energy Strategy will reduce the overall carbon emissions using a fabric first approach where by the energy consumption of the building is reduced. The installation of additional mechanical plant and other energy efficiency measures has been designed to result in the least overall harm to the listed fabric of the building. The Energy Strategy notes that as a result of the proposed energy strategy, the CO₂ emissions from the building are estimated to be reduced by 53% from the current levels utilising a conventional system, which is consistent with Policy 33 of the City Plan.

As this is a listed building there are limits to what can be achieved but the retro-fitting measures that are proposed are welcomed and secured by condition.

8.8 Westminster City Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with s.38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan adopted in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 8.9). As set out in s.38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

8.9 Neighbourhood Plans

The Mayfair 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 31 October 2019, 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 Mayfair 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 2019 - 2040 (April 2021) policies referred to in the consideration of this application are considered to be consistent with the NPPF 2021 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.

There are no pre-commencement conditions proposed in this case.

8.12 Planning Obligations

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

No CIL payment is required given the small size of the extension.

8.13 Other Issues

Some of the objectors have requested that a structural survey is submitted. However, the Council only normally requires this when there are excavations at basement level and it is not considered necessary in this case. The applicant has in fact submitted a letter from an engineer which notes that the proposed development is acceptable from a structural engineering point of view.

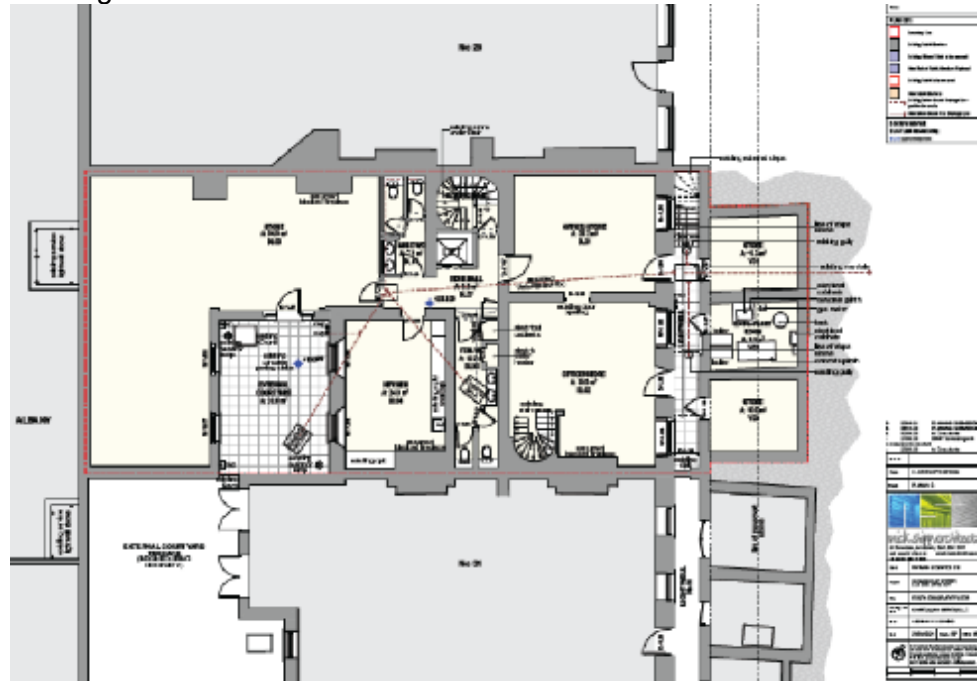
Objectors refer to disruption due to building works but this is not a ground for refusing permission. The draft permission includes the Council's standard condition restricting the hours that noisy building works can take place. A request that a construction management plan is submitted is not considered to be sustainable given the relatively modest nature of the works.

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

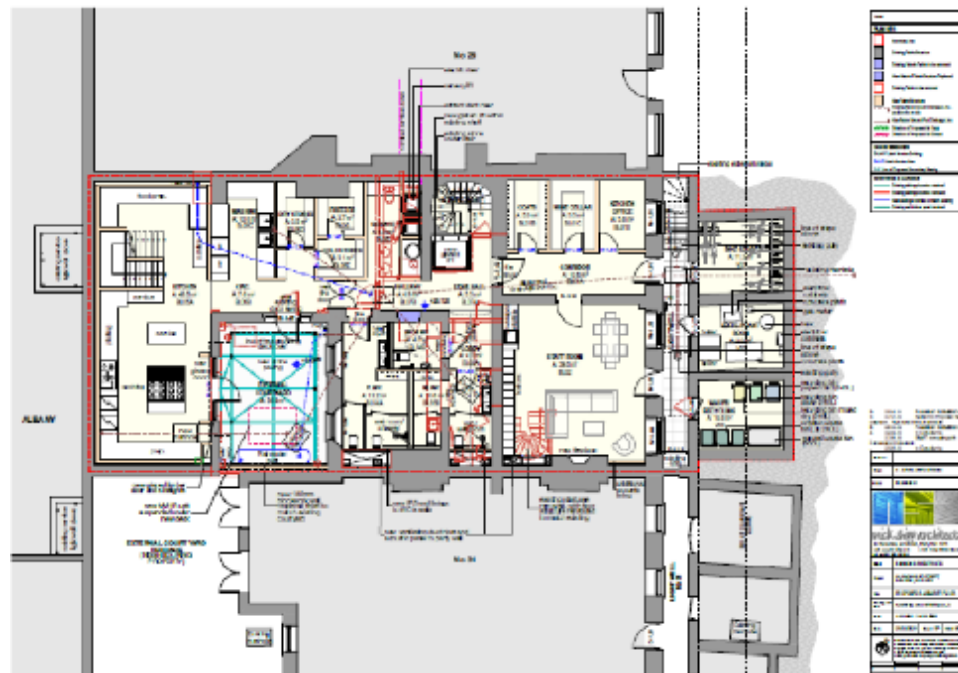
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: PAUL QUAYLE BY EMAIL AT pquayle@westminster.gov.uk

9. KEY DRAWINGS

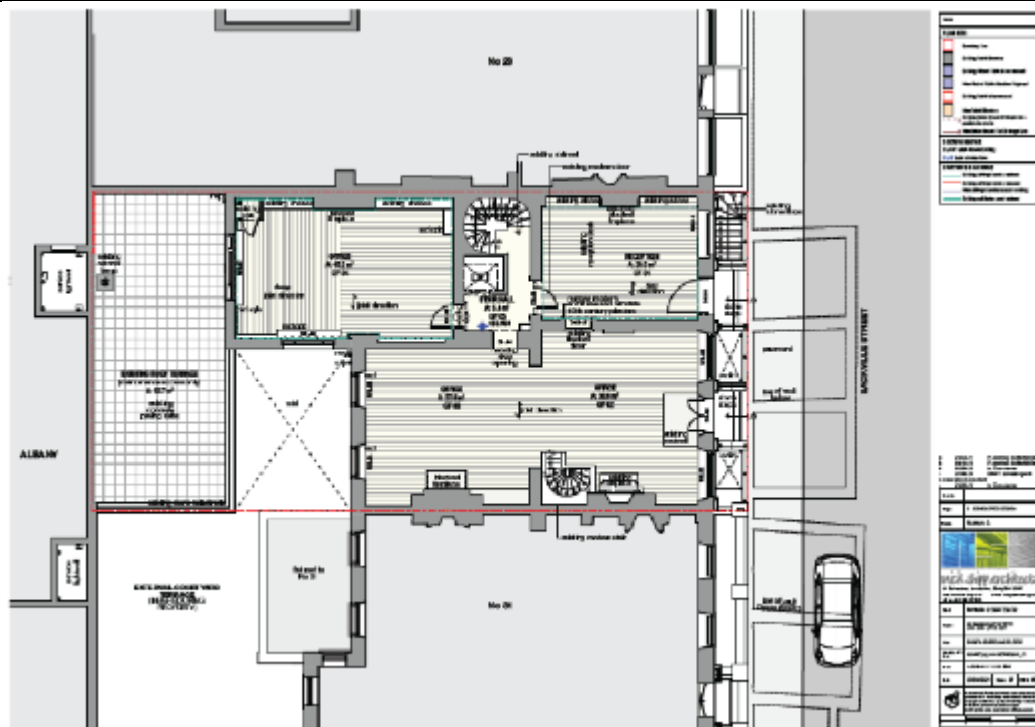
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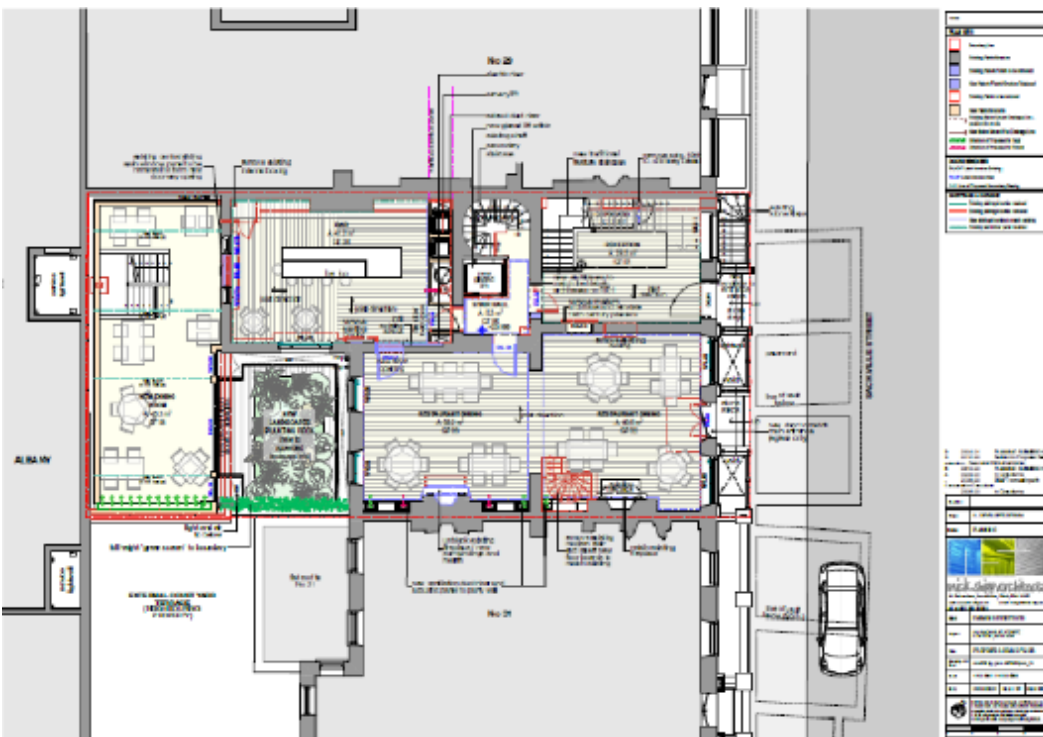
Proposed basement



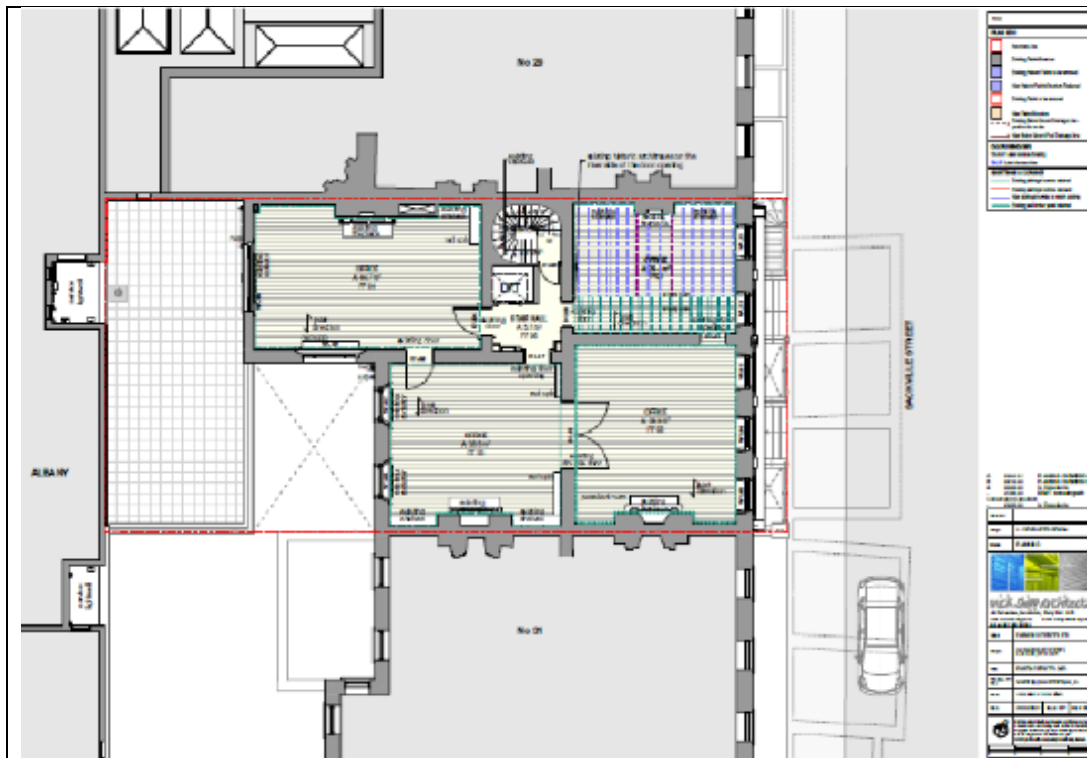
Existing ground floor



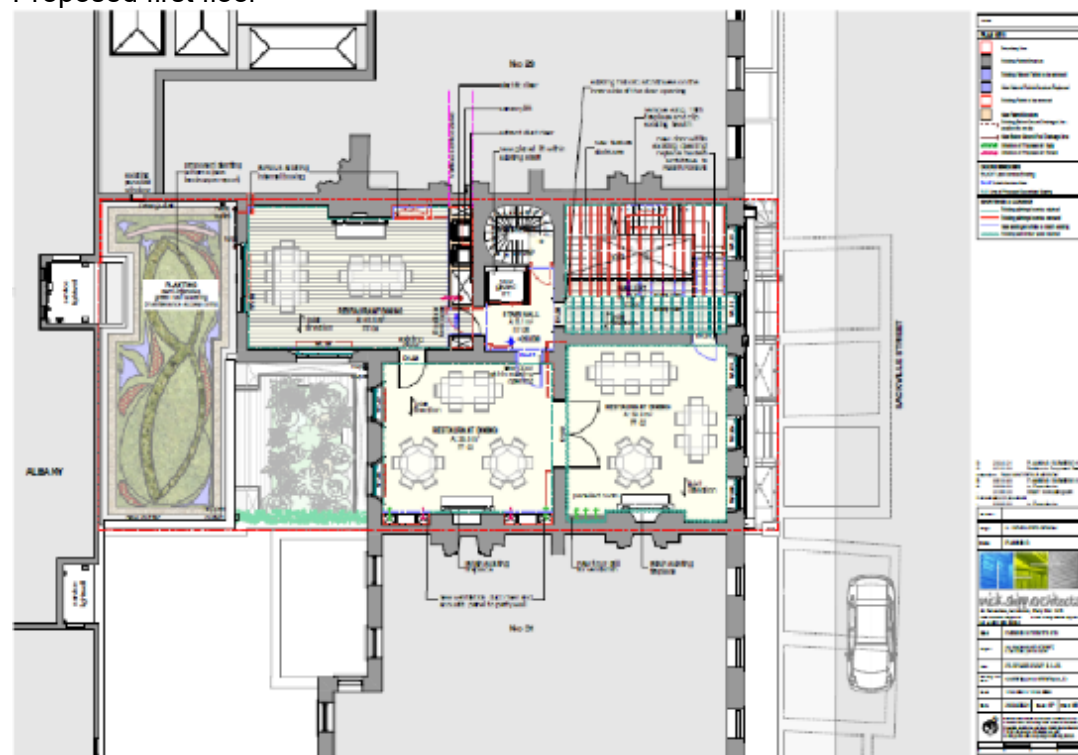
Proposed ground floor



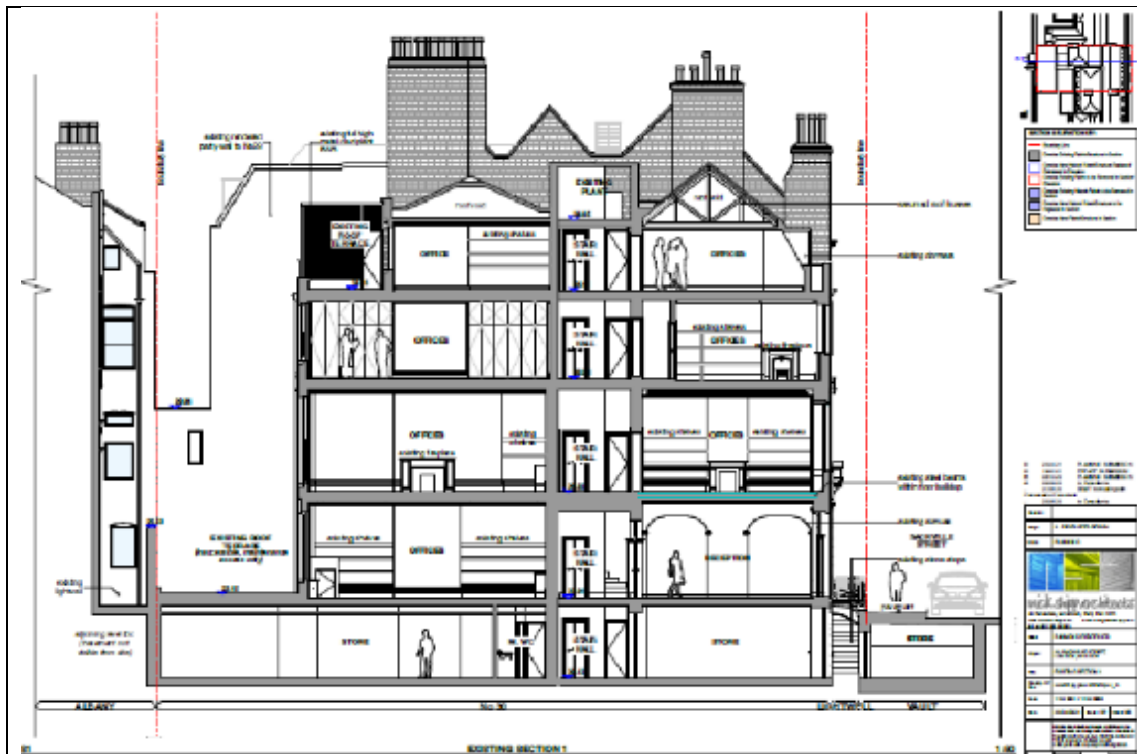
Existing first floor



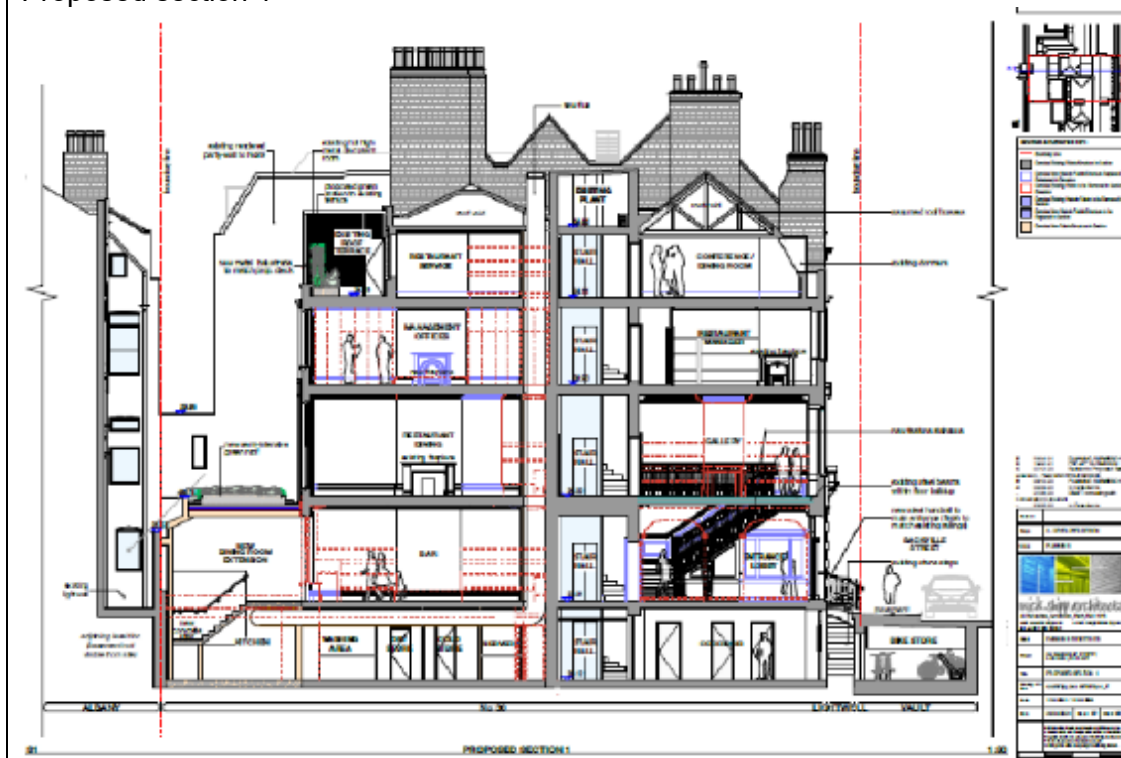
Proposed first floor



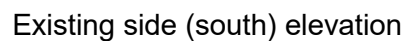
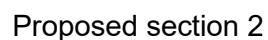
Existing section 1

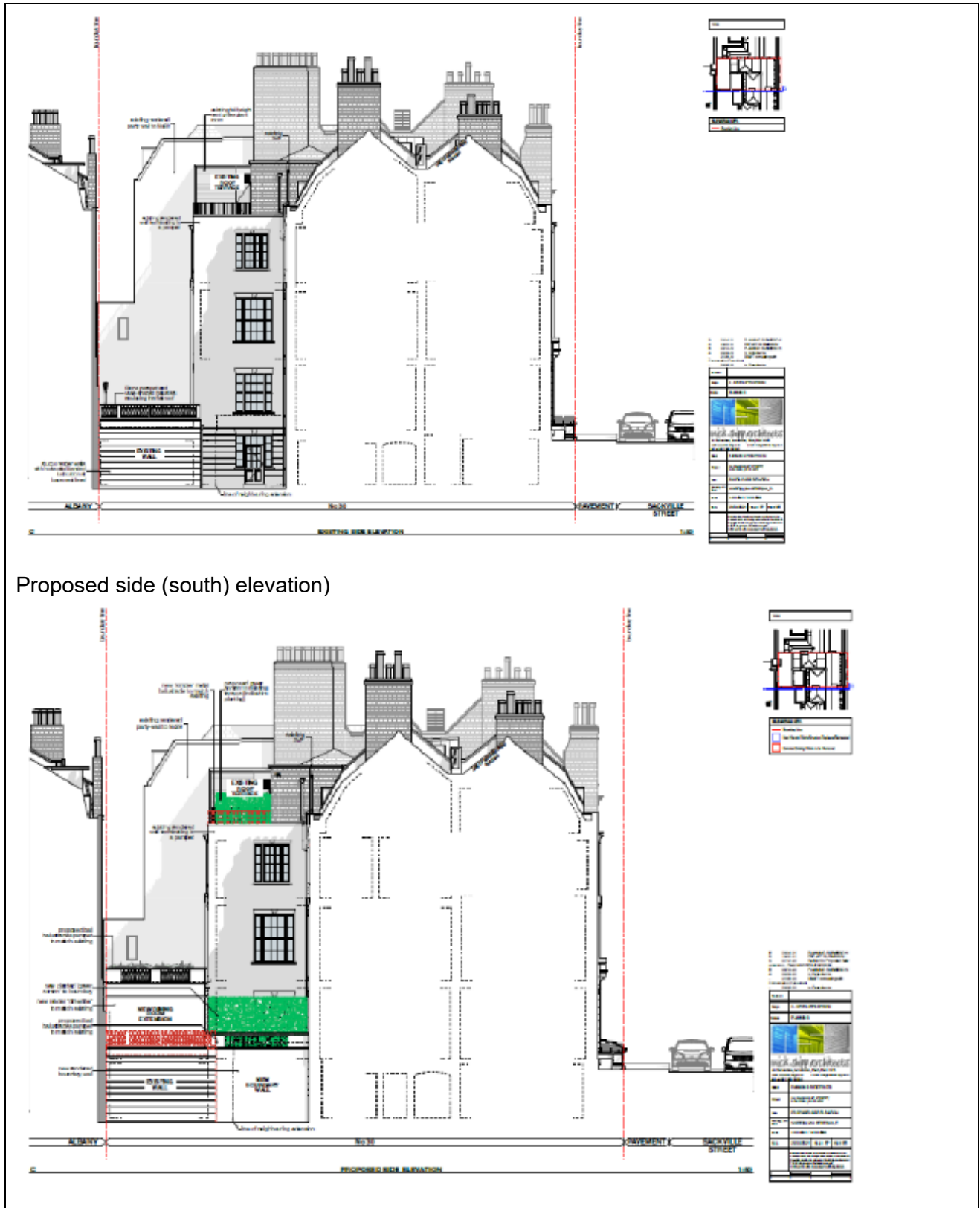


Proposed section 1



Existing section 2





DRAFT DECISION LETTER - PLANNING

Address: 30 Sackville Street, London, W1S 3DY

Proposal: Internal and external alterations including the erection of a single storey conservatory extension at rear ground floor level for additional Class E [restaurant] floorspace, and continued use of Class E floor space [as a restaurant], installation of plant, provision for cycle parking, landscaping and other associated works incidental to the application proposal.

Reference: 21/03068/FULL

Plan Nos: [to be added]

Case Officer: Paul Quayle

Direct Tel. No. 020 7641
07866039895

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 3 You must apply to us for approval of detailed drawings (Scales 1:20 and 1:5) of the following parts of the development:, , 1. Rear extension, 2. New front doors (moulding details at 1:1), , You must not start any work on these parts of the development until we have approved what you have sent us., , You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

To protect the special architectural or historic interest of this building and to make sure

the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 5 You must not allow more than 150 customers into the property at any one time. (C05HA)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 6 Customers shall not be permitted within the restaurant premises before 10.00 hours or after 00.00 hours (midnight) each day. (C12AD)

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R12AD)

- 7 You must apply to us for approval of an updated operational management plan to show how you will prevent customers who are leaving the building, and people who wish to smoke outside, from causing nuisance for people in the area, including people who live in nearby buildings. You must not start the restaurant use until we have approved in writing what you have sent us. You must then carry out the measures included in the approved management plan at all times that the restaurant is in use. (C05JC)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 8 All windows to the property, and the door to the flat roof at third floor level, must remain

closed during the hours that the restaurant is open to customers.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R13FC)

- 9 You must not play live or recorded music in the property that will be audible externally or in the adjacent properties. No music must be played at all when windows are opened outside of operational hours, no music is to be played outside the building and no speakers must be fixed to the party walls.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R13FC)

- 10 You must apply to us for details of a limiting device to be fitted to the sound system. The limiter should be set to an appropriate level, in agreement with the Council's Environmental Health officer. The limiting device/graphic equaliser must be fitted with anti-tamper plates or within a locked cabinet to prevent unauthorised adjustment. The limiter must be installed before the restaurant use commences and must thereafter be permanently retained in correct working order for as long as the premises are used as a restaurant.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R13ED)

- 11 You must install all the acoustic panels and linings shown on the proposed floorplans hereby approved and install the secondary glazing to all window in rooms used by customers (as set out in the Hepworth Acoustics Planning Assessment dated April 2021) before the restaurant use commences and thereafter permanently retain them for as long as the premises is used as a restaurant.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R13FC)

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

during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest., , (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the IN; use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest., , (3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for written approval by the City Council. Your submission of a noise report must include:, (a) The location of most affected noise sensitive receptor location and the most affected window of it;, (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;, (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;, (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;, (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;, (f) The proposed maximum noise level to be emitted by the activity. (C47AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R47AC)

- 13 You must not use the roof of the permitted extension, the landscaped planting deck nor the terrace at rear third floor level as a balcony for sitting out or for any other purpose. You can however use these areas for maintenance purposes or to escape in an emergency. (C21CA)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (R21BD)

- 14 You must install the full height 'green screen' at ground floor level along the boundary with 31 Sackville Street and the planted screen to the flat roof at rear third floor level

before the restaurant use commences. The screens must thereafter be maintained and retained for as long as the premises are used as a restaurant.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (R21BD)

- 15 You must only use the extension hereby approved as a restaurant or office, and no other use within Class E.

Reason:

To ensure that the development is carried out in accordance with the use sought and assessed, to ensure that the parts of the building are not used for other uses within Class E that may have different or unacceptable waste storage, servicing, air quality, amenity or transportation requirements and / or impacts in accordance with Policies 16, 17, 18, 24, 26, 28, 29, 25, 32, 33, 34, 37 and 38, of the City Plan 2019 - 2040 (April 2021).

- 16 All servicing must take place between 07.00 and 21.00 hours on Monday to Saturday and not at all on Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building. (C23DA)

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

- 17 The premises must be serviced in accordance with the Delivery and Servicing Plan dated April 2021 (except where varied by another condition in this permission).

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

- 18 The extract duct hereby approved shall be installed in full prior to the commencement of the restaurant use and shall be retained in situ for as long as the premises are used as a restaurant.

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R14AD)

- 19 (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 in writing 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 in writing 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 written 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. (C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R46AC)

- 20 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 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.

(C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R48AB)

- 21 The plant/machinery hereby permitted shall not be operated except between 10.00 hours and 00.00 hours (midnight) hours daily. (C46CA)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R46AC)

- 22 You must not operate the plant/ machinery that we have allowed (other than to carry out the survey required by this condition) until you have carried out and sent us a post-commissioning noise survey and we have approved the details of the survey in writing. The post-commissioning noise survey must demonstrate that the plant/ machinery complies with the noise criteria set out in condition 19 of this permission.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. (R51AC)

- 23 Before the restaurant use commences, you must provide the separate stores for waste and materials for recycling shown on drawing number 529RE (3) (110 SERIES) 02_D prior to commencement of the restaurant use and thereafter you must permanently retain them for the storage of waste and recycling for as long as the premises is used as a restaurant. You must clearly mark them and make them available at all times to everyone using the premises. (C14FC)

- 23 You must provide each cycle parking space shown on the approved drawings prior to occupation of the development. Thereafter the cycle spaces must be retained and the space used for no other purpose. (C22FC)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

Reason:

To provide cycle parking spaces and associated cycling facilities for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22GA).

- 24 You must provide, maintain and retain the green roof on top of the new rear ground floor extension before you start to use the extension as a restaurant, as set out in your application. You must not remove any of these features. (C43FA)

Reason:

To increase the biodiversity of the environment, as set out Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43FC)

- 25 You must provide, maintain and retain the photo-voltaic panels and air source heat pumps before you commence the restaurant use, as set out in your application. You must not remove these features. (C44AA)

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44AD)

- 26 You must provide the access for people with disabilities as outlined in the draft operational management plan (and to be included in any updated operational management plan) before the restaurant use commences. (C20AB)

Reason:

To make sure that there is reasonable access for people with disabilities and to make sure that the access does not harm the appearance of the building, as set out in Policy 38 of the City Plan 2019 - 2040 (April 2021). (R20AD)

- 27 The planted areas on the roof of the new extension, the planting deck at rear ground floor level (including the boundary screen) and the flat roof at rear third floor level, must be provided, maintained and retained in accordance with the Greenhalgh Landscaping Strategy dated April 2021.

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of the area, and to improve its contribution to biodiversity and the local environment. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R30BD)

- 28 Any external lighting at the rear of the premises must be restricted to lighting the landscaped planting deck at rear ground floor level. It must be restricted to down-cowled LED lighting and must only be switched on between 16.00 hours and 23.00 hours daily.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in Policies 7, 33 and 38 of the City Plan 2019 - 2040 (April 2021). (R21BD)

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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), 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.

DRAFT DECISION LETTER – LISTED BUILDING

Address: 30 Sackville Street, London, W1S 3DY

Proposal: Internal and external alterations, erection of a rear extension and installation of plant.

Reference: 21/03069/LBC

Plan Nos: [to be added]

Case Officer: Paul Quayle

Direct Tel. No. 020 7641
07866039895

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 apply to us for approval of detailed drawings (scales 1:20, 1:5 and 1:1 as appropriate) and full size samples of the following parts of the development:, , 1. New joinery - include the staircase, panelling, doors, architraves , 2. Decorative plasterwork, , 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 samples. (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R26EE)

- 3 You must apply to us for approval of detailed drawings (Scales 1:20 and 1:5) of the following parts of the development:, , 1. Rear extension, 2. New front doors (moulding details at 1:1), , You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R26EE)

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Mayfair Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 5 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 Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R26EE)

- 6 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 Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R26EE)

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 (March 2021), the City Plan (April 2021), as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council has had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and has decided that the proposed works would not harm this special architectural or historic interest; or where any harm has been identified it has been considered acceptable in accordance with the NPPF., , In reaching this decision the following were of particular relevance:, Policies 38, 39 and 40 of the City Plan 2019 - 2040 adopted in April 2021 and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.
- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:, , * any extra work which is necessary after further assessments of the building's condition;, * stripping out or structural investigations; and, * any work needed to meet the building regulations or other forms of statutory control., , Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents., , It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

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

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 5 April 2022	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Abbey Road	
Subject of Report	St Marks Court, Abercorn Place, London, NW8 9AN		
Proposal	Erection of single storey roof extension, four storey rear extension and new basement level to provide 5 new residential dwellings (Class C3), additional bay windows to the façade,-new entrance to Abbey Road, additional cycle parking and landscaping and-associated works.		
Agent	DP9		
On behalf of	Stuart Goulds		
Registered Number	21/06791/FULL	Date amended/ completed	4 October 2021
Date Application Received	4 October 2021		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		

1. RECOMMENDATION

1. Grant conditional permission subject to a legal agreement to secure the following:
 - a) All highway works immediately surrounding the site required for the development to occur prior to occupation of the development, including alterations to the vehicle crossover and for it to be to the Council's specification, at full cost (administrative, legal and physical) of the developer;
 - b) Provision of lifetime (25 year) car club membership for the five new residential units from first occupation of the development.
2. If the legal agreement has not been completed within 6 weeks of the date of the Sub-Committee meeting then:
 - a) The Director of Place Shaping and Town Planning shall consider whether it would be possible and appropriate to issue the permission with additional conditions attached to secure the benefits listed above. If so, the Director of Place Shaping and Town Planning is authorised to determine and issue such a decision under Delegated Powers; however, if not;
 - b) The Director of Place Shaping and Town Planning shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits which would have been secured; if so, the Director of Place Shaping and Town Planning is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

2. SUMMARY

The application site is an unlisted building in use as 24 Flats (Class C3) in the St John's Wood Conservation Area.

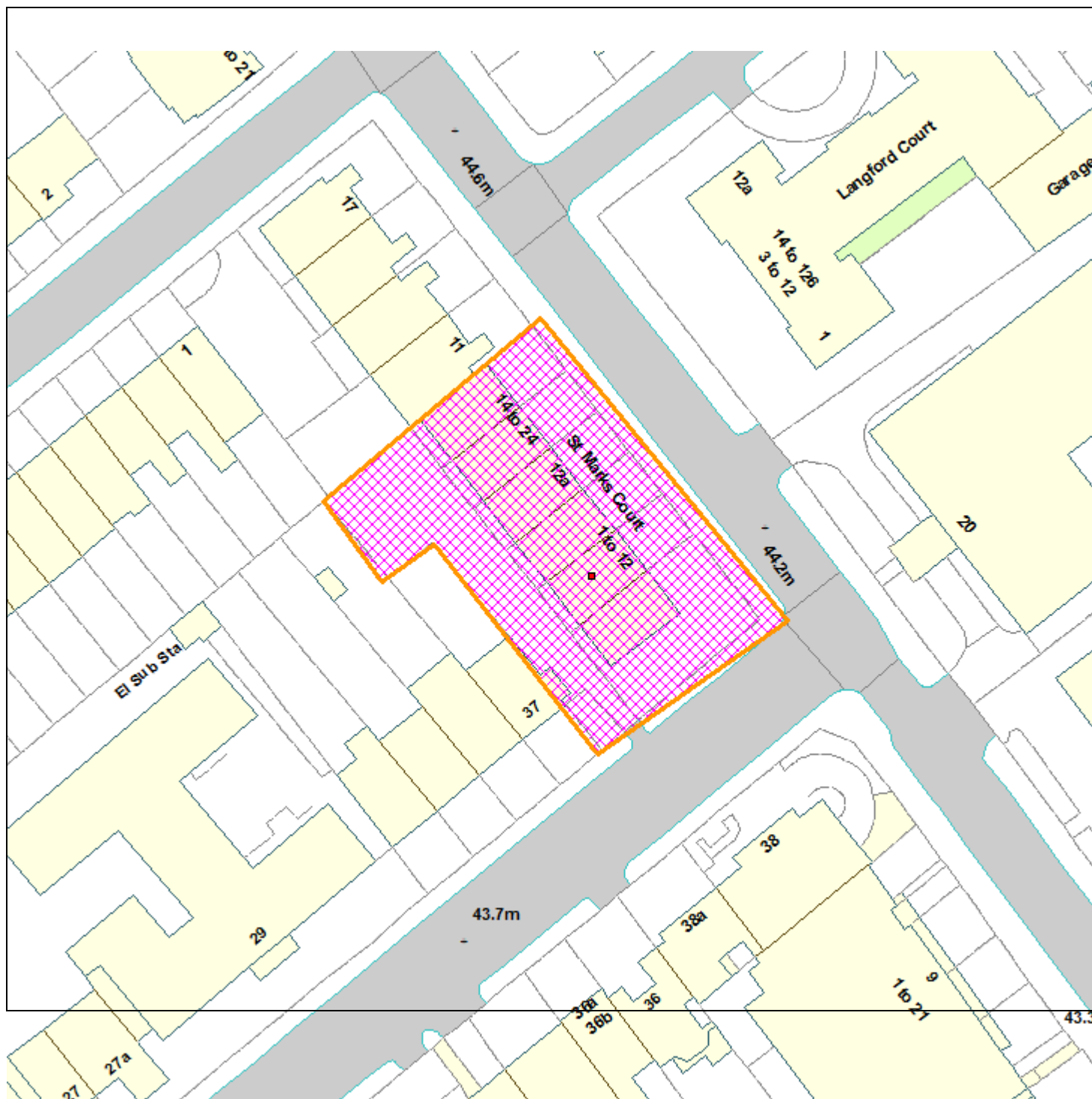
Permission is sought for extensions and alterations to provide five additional Flats (Class C3) and other associated alterations. The application received ten objections from neighbours to the first round of consultation and a further seven objections to the second round of consultation. The objections on each occasion were mainly concerned with design, amenity and highways as well as some other matters.

The key issues are:

- The impact of the proposed upward extensions and façade alterations on the appearance of the building and conservation area; and
- The impact of the proposed upward extensions and façade alterations on the amenity of neighbours

Subject to the conditions as set out in the draft decision letter at the end of this report, the proposals are considered acceptable and complies with relevant development plan policy. Accordingly, it is recommended that conditional permission is granted, subject to a Section 106 agreement to secure alterations to the highway and club membership.

3. LOCATION PLAN



4. PHOTOGRAPHS

Front Elevation – Abbey Road



Side Elevation – Abercorn Place



Rear Elevation



5. CONSULTATIONS

FIRST CONSULTATION EXPIRED – EXPIRED 15TH OCTOBER 2021 ST JOHN'S WOOD SOCIETY

- Concerned about the proposed roof extension's fenestration and the loss of existing unified harmony of the building as the solid to void of the upper stories loses all relationship with the stories beneath.
- Concerned about the loss of daylight and sunlight for neighbours and we support the comments made by neighbours about this.
- Concerns about a loss of amenity to neighbours from overlooking from the proposed terraces at the rear.

HEALTH AND SAFETY EXECUTIVE

- No comment - the building is less than 18m in height (ground to top floor FFL) and therefore not in scope.

METROPOLITAN POLICE

- Request that the gate on Abercorn Place is fobbed only for owner of the car parking space and a new pedestrian gate is created with access control system for each flat
- Internal and external doors and windows should meet LPS and PAS standards.
- All divides between the balconies/terraces will be full height and comply with the recommended security ratings.

THAMES WATER

- No objection with regard to waste water network and sewage treatment works infrastructure capacity
- The developer should minimise groundwater discharges into the public sewer. Further information should be provided by informative.
- The developer should follow a sequential approach for the disposal of surface water which should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Further information should be provided by informative.
- The developer should install a positive pumped device (or equivalent) for protection against any sewerage network surcharge to ground level during storm conditions. Further information should be provided by informative.

HIGHWAYS PLANNING

- Objection to proposed gate widening and creation of one off-street car parking space
- Objection to quantity of proposed cycle parking
- Car Club Membership and highways works should be secured by S106 agreement.

ARBORICULTURE – FIRST CONSULTATION

- Request the proposed side lightwell is reduced to preventing trees reaching maturity and increases the likelihood of their removal in the future.
- Request details of foundations for proposed pedestrian access route at Abbey Road frontage and the front cycle parking is relocated.
- The replacements for the removal of all four trees to the are not adequate.

ARBORICULTURE – SECOND CONSULTATION

- Previously expressed concern over the lightwell remains

- Request a replacement to T1 in a similar position
- The use of cherry prunus along the driveway is acceptable, however, many of the proposed trees for rear garden are not considered to be suitable

ARBORICULTURE – THIRD CONSULTATION

- The now proposed wild cherry is an acceptable replacement for T1
- The revisions to the rear garden are considered an improvement. Request that the wild crab apple and alder are omitted for alternative native species.

ARBORICULTURE – FOURTH CONSULTATION

- Previously expressed concern over the lightwell remains, however, as the lightwell is outside of the RPA of the nearby trees it may not present sufficient reason to refuse
- The further revisions to the proposed Tree Planting Plan include the use of hawthorn and wild service are acceptable
- Recommends condition to secure tree protection details and details foundations for new structures

BUILDING CONTROL

- The Structural Method Statement is compliant and accepted and the scheme is justified structurally and considered to be viable.
- Ground water was not encountered, and the flood risk is considered to be minimal
- The structural impact and movements on adjacent buildings are anticipated to be within acceptable limits

ENVIRONMENTAL HEALTH

No objection. Recommend conditions to secure land contamination and an acoustic report.

WASTE PROJECT OFFICER – FIRST CONSULTATION

- The proposed drawings are not in accordance with the City Council's waste guidance due to the absence of annotations confirming the separation of waste streams
- The proposed 660l food waste is unacceptable. Food waste must only be stored in 150l bins

WASTE PROJECT OFFICE – SECOND CONSULTATION

- The previous comments were given in respect of the information already provided in page 54 of the Design and Access Statement

ADJOINING OWNERS / OCCUPIERS

No. of total neighbours consulted: 544

No. of objections: 10

No. of supports: 0

No. of neutrals: 0

In summary, the objectors raise the following issues:

Design:

- The building will look top heavy and very bulky changing the look and feel of the conservation area

- The roof extension is not in keeping with neighbouring properties
- The rear elevation and extensions are not in keeping with the conservation area
- The proposed height is out of keeping with the building itself and the conservation area

Amenity:

- Neighbours are already overshadowed by existing mansion blocks
- Loss of privacy for neighbours in Abercorn Place and Langford Court
- Loss of sunlight for neighbours in Abercorn Place and Langford Court
- Loss of view for neighbours in Langford Court

Standard of accommodation:

- Information has not been given why the building cannot be refurbished
- Information has not given why the building has been in a poor condition for years

Highways:

- Insufficient on-site car parking is proposed or provided in the local area

Environment:

- The new residents are likely to have higher carbon footprints than the pre-existing residents
- The building should not use natural gas as a source of energy

Construction:

- Information has not been given on the likely duration of works
- The works would cause noise, debris and a loss of privacy
- A construction traffic management plan has not been provided
- Request noisy works are only carried out between 10:00am and 16:00

Other:

- Request a taller boundary is erected to rear of Abercorn Place to prevent burglaries
- Insufficient local drainage infrastructure for additional residents

SECOND CONSULTATION EXPIRED – EXPIRED 22ND FEBRUARY 2022

ST JOHN'S WOOD SOCIETY

- Welcome the improvements to the facades and the overall reduction in height
- Remain concerned about overlooking from the terraces and potential loss of daylight and sunlight. We support the comments made by neighbours about this

No. of total neighbours consulted: 544

No. of objections: 7

No. of supports: 0

No. of neutrals: 0

In summary, the objectors raise the following issues:

Land use:

- There is no affordable housing contribution

Design:

- The building continues to be out of proportion with the conservation area
- The building will be taller than the surrounding
- The building should be refurbished and remain the same size
- The building's poor state of repair is not a reason to for the extensions and façade alterations

Amenity:

- The reduction in height by 625mm does not overcome overlooking issues
- The reduction in height by 625mm does not overcome loss of light issues
- A Daylight and Sunlight Assessment for neighbours has not been submitted
- Glare from the additional windows will shine onto 29 Abercorn Place
- The Daylight and Sunlight Assessment has not addressed the impact on the neighbouring buildings on Abbey Road

Highways:

- The building will create more traffic
- Local traffic will increase and parking availability will decrease

Construction:

- Construction will be disruptive on a quiet road and
- Construction noise will cause issues for residents working from home
- A traffic management plan has not been submitted to prevent the road from blockages
- How long will the works last and be managed?

SITE NOTICE

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

St Marks' Court is an unlisted building formed of four storeys that is in use as 24 flats (Class C3). It is located in the St John's Wood Conservation Area and fronts Abbey Road but is accessed from its side on Abercorn Place.

The St John's Wood Conservation Area Audit describes the building as an unlisted building of merit. Built in the mid to late 19th century as a terrace of 6 large houses typical of the period, it was later converted around 1918 into the block of 24 flats that it is today.

6.2 Recent Relevant History

None.

7. THE PROPOSAL

Permission is sought for the removal of the roof, erection of upwards extension with further mansard style roof storey above, creation of basement storey, alterations to windows on all facades, cycle and waste stores, landscaping and associated works. The proposed works would provide five new additional residential units (Class C3). In total the proposed application site will contain 29 residential units (Class C3).

A total of ten objections were received from neighbours. These objections most commonly raised concern over amenity impacts, however they also raised design, standard of accommodation, highways and other concerns. During the course of the application amendments were made to the design of the proposed extensions and supplementary tree details were provided. A further seven objections were received to the second consultation where concerns were still expressed over design, amenity and highways impacts.

8. DETAILED CONSIDERATIONS

8.1 Land Use

8.1.1 Residential use

The City Council seeks to maximise housing delivery through optimising site densities, delivering higher number homes on small sites and permitting upwards extensions as set out in policy 8 of the City Plan. Policy 10 seeks residential development provides a mix of units in terms, size, type and tenure to secure mixed and inclusive communities.

The application site as existing has an GIA of 1939sq.m and contains 24 units. The existing units are comprised of 0 – Studios, 3 – 1x bedroom flats, 15 – 2x bedroom flats, 1 – 3x bedrooms flats and 5 – 4x bedrooms flats.

The proposed extensions will give the site a GIA of 2927sq.m and provide 29 units. The proposed layout will be comprised of 3 – Studios, 13 – 1x bedrooms flats, 5 – 2x bedroom flats, 7 – 3x bedroom flats and 1 – 4x bedroom flat. The proposal will provide an uplift of 988sq.m of floorspace resulting in an additional five units.

In total, the additional five flats would result in 27.6% of the units on-site being family sized (i.e. having three bedrooms or more), in accordance with policy 10 B of the City Plan.

The proposed flats meet or exceed the Nationally Described Space Standards, in accordance with policy 12 of the City Plan. None of the proposed flats exceed 200 sqm GIA, in accordance with policy 8 of the City Plan.

The new flats proposed at basement and the new fourth and fifth floor levels also include private outdoor amenity space in the form of terraces and would be dual aspect, in accordance with policy 12 of the City Plan.

8.1.2 Affordable housing

The City Council seek that at least 35% of all new homes will be affordable. Affordable housing is required on sites with a site of area greater than 0.5ha, 10 or more proposed residential units or 1000sq.m of proposed residential floor space as set out policy 9 of the City Plan 2019 – 2040.

The application site has a total area of approximately 0.14ha and it is proposed that 988sq.m of new residential floor space and 5x new additional residential units are to be created.

The submitted drawings show the extent of proposed demolition will mean that most internal walls within and between the existing units will be removed during construction works. The proposed floor plans show that flats will not be replaced like-for-like due to many being of a different size, position and aspect to; with some having extra storeys added. The City Council has given consideration as to whether these 24 reconfigured flats would be new units and require an affordable housing contribution or whether they were replacement units and do not require an affordable housing contribution.

Regard has been had to the advice in the recently published Statement of Intention of Affordable Housing October 2011. Section C states that 'in cases including refurbishment or re-configuration of an existing building together with an extension, or a combination of demolition and partial retention, the existing housing will not be counted. In such cases, the extent of the area that should be considered when assessing whether a scheme triggers an affordable housing requirement will be determined on a case-by-case basis, considering the extent of changes to existing floorspace.' Officers in dealing with this application have addressed this proposal in the light of the above statement and sought legal advice as to whether to treat this application as 29 'new homes' or whether it was for 5 'new homes' as stated by the applicant.

Counsel advice has been that the policy does not specifically refer to affordable housing contributions only being triggered by the provision of new or additional units or floorspace. However, this would seem as the proper interpretation of the policy as policy 9 of the City Plan specifically states 'new homes' and that it does not use wording such as reconfigured homes or similar. Any requirement for affordable housing in respect of the reconfigured units would not be in accordance with the policy. This view is consistent with a decision by the Planning Inspectorate relating to an application in the Royal Borough of Kensington and Chelsea during 2020, where it was considered that it is not appropriate to regard reconfigured residential floorspace as 'proposing' residential floorspace. It is therefore considered that in this case, the proposal which creates five new homes does not trigger the provision of affordable housing.

It should be noted that the City Council is currently consulting on a Draft Planning Obligations and Affordable Housing SPD (March 2022), with the consultation period expiring on 29 April 2022. This SPD includes criteria for deciding when refurbishment and reconfiguration of existing units on an application site counts as 'new homes' and therefore triggers an affordable housing contribution. As per the SPD, the key principle is whether the reconfigured or refurbished units provide a new form of housing supply that caters to a different market or level of housing need to the homes that previously existed on site. Any judgement on whether the refurbishment or reconfiguration of existing stock counts as new housing supply and should therefore contribute to affordable housing

requirements will be based on an assessment of the extent of changes proposed to the existing building, with regard to changes to:

- The size of individual dwellings (the number of bedrooms, floorspace, or floor to ceiling heights);
- Communal areas (the provision of stairs, lifts, circulation space, and any new on-site amenities);
- The external appearance of the building (including matters such as re-siting of windows and provision of balconies); and
- Whether any existing dwellings are single or dual aspect.

In officers view, application of the above criteria would likely result in the reconfigured units being treated as new homes and therefore result in a requirement for an affordable housing contribution. However, the SPD is currently in draft form and has not been through a full round of public consultation. Accordingly, it has little to no weight at the present time and a requirement for affordable housing from the reconfigured units would not be reasonable at the time of the committees meeting. It should be noted that the SPD may gain greater weight by the time the s106 agreement is signed and that this application may need to be referred back to the committee in the event that this occurs.

8.2 Townscape and Design

8.2.1 Site and Significance

The application relates to an unlisted building of merit within the St John's Wood Conservation Area. Built in the mid to late 19th century as a terrace of large houses typical of the period, they were later converted around 1918 to a mansion block for the housing of families of soldiers killed during the First World War. The character of the building now combines characteristics of both a 19th century terrace and an interwar mansion block.

The site forms the corner between Abercorn Place and Abbey Road and sits at the edge of the conservation area.

The building is a four-storey brick-built block, generally consistent in height to the row of terraced houses adjacent to the north, and with many others in the area and wider city. The division of bays is equally consistent with the common widths of 19th century houses of this type. The front façade features two-storey (ground and first) bay windows. The building's architectural hierarchy is marked by the proportion and detailed design of windows, which is exaggerated to first and second floors, diminishing to the third (top) floor, by a stringcourse between second and floors, and finally terminated by a corbelled brick cornice marking the edge of the shallow-pitched roof above. Above the third floor is an occupied roof storey, but this is of a shallow pitch and therefore does not read as a mansard storey.

Elements which indicate the building's history as a terrace of houses include its rhythmic, uniform façade of bay windows, sash windows and a diminishing hierarchy to the upper floors, as well as party-wall upstands and prominent chimneys to the roof, demarcating the structural and property divisions between the former houses. The rear is equally

reminiscent, including multi-pane sash windows which may pre-date the building's conversion, and a simpler, almost vernacular character lacking in ornamentation or ostentation, but historically characteristic nevertheless. Internally the building also retains some remnants of the historic planform of the houses.

Elements relating to the 20th century use of the building as a mansion block are various, and relate to the loss of the original front doors and steps to each house, the creation of a singular, almost art-deco communal entrance to the rear elevation, and the communality of the grounds as a single garden and parking court.

The area is typical of St John's Wood, consisting predominantly of terraced and rows of semi-detached houses, interspersed with larger, mostly later mansion blocks and, particular to Abbey Road, a number of notably larger modern blocks. The prevailing scale of the area is between 4 and 5 storeys, as shown by the applicant's own assessment. Close to the site there are a small handful of notably larger mansion blocks, including the 12 storey 20 Abbey Road but most of these are outside of the conservation area and are of limited architectural value, and in some cases are harmful to the setting of the conservation area.

8.2.2 Legislation, Policy and Guidance

Being within a conservation area, the determination of the application is subject to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that, "In the exercise, with respect to any buildings or other land in a conservation area ... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

Policy 38 (design principles), 39 (heritage) and 40 (townscape and architecture) of the Westminster City Plan 2019-2040 provide the basis for interpreting this requirement, and collectively require that development proposals be of a high standard which respect their local contexts, including in particular any affected designated or undesignated heritage assets.

Chapters 12 and 16 of the NPPF similarly require great weight to be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

There is an adopted (SPD) Conservation Area Audit for St John's Wood which notes the building as being an unlisted building of merit, and defines the key characteristics of the local area, including typical building heights and building types. This includes an assessment that the application site is not suited to an upwards extension. There is no Neighbourhood Plan for St John's Wood.

8.2.3 Proposals and Their Impacts

The application proposes to substantially remodel and extend the building although

stops short of substantial demolition, retaining all four walls, the majority of the floor plates and structural walls. The roof would be completely removed. The extent of works has been notably reduced during the course of the application, including a reduction in overall height, based on the advice of officers and taking into account objections received from the St John's Wood Society and local residents.

The most significant proposal remains the upwards extension of the whole building, replacing the existing low-pitched roof with a sheer-storey, and building a new mansard roof above that. This would alter the building from 4.5 storeys to 6 including the mansard. The initial submission had included in addition to this the stretching of the retained upper floor of the building, but this has now been reduced along with reductions also to the floor to ceiling heights of the new floors, such that the proportionality of the building is much improved, and generally now respectful of traditional characteristics. These revisions are considered to overcome previous concerns which were raised in neighbour objections that stated the proposed extensions would make the building appear top heavy.

As raised in some of the objections from neighbours the height the revised proposed height of the building is still indeed greater than the prevailing storey heights in the area, which generally does not exceed 5 storeys. When viewed from the west and south, this height would be seen to step up from the height of the adjacent terraces on both Abbey Road and Abercorn Place. It would however be generally consistent with the height of mansion blocks seen elsewhere in St John's Wood and would be notably lower than the larger modern blocks which, whilst mostly outside of the conservation area, equally characterise this part of Abbey Road. On this basis, objections relating to the height of the building cannot be sustained as reason for refusal.

The proposed mansard is designed to be pitched on all sides and with a flat top. The party wall upstands and chimneys of the original terrace are now proposed to be replicated to the visible part of this new roof, which is a further enhancement secured during the course of the application in order to refer to the historical origins of the building as a terrace of houses. The existing prominent chimneys to the south and west elevations would be rebuilt above third floor, with vertical slot windows punched through each to provide some light to the new top floor. The spacing of dormers to the proposed roof have been improved during the application in order to relate better to the windows below and to the historic division of the building as a terrace of houses.

Also proposed are a number of alterations to the facades of the building. To the front (east) elevation it is proposed to insert a balcony between bays above a new ground floor entrance. This has been improved since original submission in order to better respect the bays to each side. Above this at third floor level, it is proposed to extend the bay windows to both the front (east) and side (south) elevations (which currently terminate at second floor) by another storey, adding also a roof terrace to each. This aids the proportionality of the building in its extended form, and with the revisions secured to reduce the overall additional and stretched heights of the building, enables the proposals to avoid a top-heavy appearance.

Objections were originally received from the local amenity society and some neighbours on grounds of the appearance of the rear elevation. During the course of the application the proposed drawings have again been substantially revised to retain a façade based

around sash windows, whereas originally it had been proposed to replace all with very different character casements. In respect of these revisions the local amenity society commented that the revisions to the design of the rear elevation are welcomed. Two large four-storey 'closet wing' type extensions are proposed to be built up to third floor height, with roof terraces on top and balconies partly spanning the gap between. These extensions would feature prominent corner windows which have again been revised during the application to a more appropriate design. A new entrance portico, similar to that proposed to the front would be built at ground floor level, set between the new extensions.

Finally, also proposed is a large basement extension. This would feature new lightwells to part of the front, to the side and part of the rear elevations. The projection of these lightwells from the main building line has been reduced since submission and is now less prominent and can be seen now as generally consistent with the typical historic lightwells seen on similar such terraces throughout the city.

8.2.4 Summary

Overall, it is considered that the proposals, whilst still a significant scheme which alters the appearance of the building, would represent a good design which would not harm the character or appearance of the conservation area. The increase in height from the neighbouring terraces is not such that it would dominate either group, nor would it represent an uncharacteristic step-up between similar age properties, particularly given that the history of this site has in fact been substantially that of a mansion block.

It is recommended that the application in its revised form is considered acceptable in design and conservation terms, mindful of the relevant policies discussed above and therefore, a recommendation to grant conditional permission would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8.3 Residential Amenity

The City Council seeks that all development will be neighbourly by protecting and where appropriate enhancing local environmental quality as set out in policy 7 and 33 of the City Plan. Policy 7 seeks to prevent unacceptable impacts in terms of losses of daylight and sunlight, privacy and increases in sense of enclosure and overshadowing. Policy 33 seeks development prevents the adverse effects of noise and vibration including minimising noise impacts and preventing noise intrusion to residential and sensitive uses.

8.3.1 Sunlight and Daylight

The local amenity society and several neighbours raised concern over losses of daylight and sunlight in their objections. Neighbours specifically referred to losses of sunlight for properties on Abercorn Place and Langford Court to the other side of Abbey Road.

Although not specifically referred to in the above policies, BRE's "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice" (2011), is widely recognised as the

appropriate method for measuring light loss and appropriate light levels. The BRE stress that the numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the circumstances since natural lighting is only one of many factors in site layout design. For example, in an area with modern high-rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings.

In assessing daylight levels, the Vertical Sky Component (VSC) is the most commonly used method. It is a measure of the amount of light reaching the outside face of a window. If the VSC achieves 27% or more, the BRE advise that the window will have the potential to provide good levels of daylight. The BRE guide also recommends consideration of the distribution of light within rooms served by these windows. Known as the No Sky Line (NSL) method, this is a measurement of the area of working plane within these rooms that will receive direct daylight from those that cannot. With both methods, the BRE guide specifies that reductions of more than 20% are noticeable.

The applicant has submitted a Daylight and Sunlight Assessment which considers the impacts on neighbouring properties. Three neighbouring sites (37 Abercorn Place, Flats 1-126 Langford Court and 20 Abbey Road (includes Flats 1-119) would have daylight losses that exceed BRE Guidelines. All other neighbouring properties eligible for testing under the BRE Guide would have daylight losses below BRE Guidelines.

No. 37 Abercorn Place is the nearest neighbouring building to the rear of the site. The submitted Daylight and Sunlight Assessment demonstrates that ten of the 14 windows in the building will meet BRE Guidelines for Vertical Sky Component (VSC). The four windows that do not meet BRE Guidelines would experience VSC losses of 24.3% to 36.5%. One room would also have NSL losses exceeding BRE Guidelines (i.e. 36%). These daylight losses are considered minor in magnitude. The affected rooms and windows either do not serve habitable rooms; serve bedrooms and therefore have less of a need for daylight (as per BRE Guidance) or are secondary windows to rooms with their primary source of light coming from the front or rear elevation. Given this, the low level of these light losses and the flexibility inherent in the BRE Guide itself, these light losses are acceptable in this instance. It should also be noted that the residents of 37 Abercorn Place have not objected to the development.

No's 1 – 126 Langford Court is an eight-storey building located to the other side of Abbey Road. The submitted assessment has considered all flats on the ground and first floor of the building. All windows and rooms above are not eligible for testing under the BRE Guide as they do not breach a 25-degree plane taken from these windows. Of the 24 rooms, assessed a total of 21 rooms will remain compliant with BRE compliant for both VSC and NSL guidance. All assessed windows meet VSC guidance. The affected rooms will have NSL reductions of 20.4%, 26.0% and 27.4%. Although above the 20% threshold for being noticeable, these transgressions are minor and would not outweigh the acceptability of the building's height and bulk in townscape and design terms, given the flexibility inherent in the BRE Guide.

Flats 1 – 119 at 20 Abbey Road is a large apartment building to the east of the application site and is formed of twelve stories. Of the 36 rooms that were assessed within the building, the submitted assessment states that 34 rooms will remain fully compliant with BRE Guidelines, with all assessed rooms meeting VSC guidelines. Two

rooms would experience NSL losses of 27.8% and 28%. Although above the 20% threshold for being noticeable, these transgressions are minor and would not outweigh the acceptability of the building's height and bulk in townscape and design terms, given the flexibility inherent in the BRE Guide.

It was raised in an objection from neighbours that the area already suffers from overshadowing and that the proposed increase in height will worsen this. The submitted Daylight and Sunlight Assessment has confirmed that the nearest outdoor amenity space that could be overshadowed by the proposal is the rear gardens of nos. 37 and 35 Abercorn Place. However, the levels of overshadowing would not exceed BRE Guidelines.

It has also been raised in an objection that the Daylight and Sunlight Assessment has not addressed the impact on the residents at 11, 15 and 17 Abbey Road. Due to these neighbouring buildings not having windows facing towards the application site it is not necessary that the Daylight and Sunlight Assessment considers these impacts. The proposed closet wing extension is approximately 6.5m away from no. 11 Abbey Road and given its modest depth of approximately 3m is highly unlikely to have impact on the amenity of these neighbours. For these reasons the Daylight and Sunlight Assessment was not required to consider the impacts on nos. 11, 15 and 17 Abbey Road.

All properties will receive full compliance for Annual Probably Sunlight Hours (APSH). Accordingly, the proposed development would not result in unacceptable levels of sunlight loss to neighbouring properties

8.3.2 Sense of Enclosure

It was raised in an objection from a neighbour that the proposal will cause a loss of view from Langford Court. However, loss of view is not a material planning consideration. The proposed development would be visible from the flats to the front of Langford Court and that the roof extensions may reduce the extent of sky that is visible from these flats. However, due to the separation distance and the numerous mature trees between the two buildings, the very minor loss of outlook will not unacceptably enclose any residents within Langford Court. The application site will have a similar relationship to the Flats within no. 20 Abbey Road. The flats on the upper floors of Langford Court and no. 20 Abbey Road may not have their outlook affected at all.

There may be a minor increase in sense of enclosure to some of the east facing flats on the lower floors within no. 29 Abercorn Place. However, as the application site is approximately 40m away from these flats the proposed increase in height of approximately 4.1m will not unacceptably enclose this small number of flats. The flats on the upper floors no. 29 Abercorn Place will have a similar outlook to existing.

Overall, the proposed development would not result in an unacceptable increase in sense of enclosure for the occupants of nearby properties.

8.3.3 Privacy

The local amenity society raised concern over the terraces causing a loss of privacy, whilst neighbours also raised objections on privacy grounds of losses of privacy for properties on Abercorn Place and Langford Court. The proposed terrace on the side elevation which is to be created on the roof a bay window and will have clear views of no. 38 Abercorn Place which may cause some overlooking to this property. As no. 38 Abercorn Place already contains some ten terraces itself facing back in this direction it would be unreasonable to refuse permission on these grounds.

The alterations to the front elevation from ground to third floor levels involve the replacement of windows in their existing window openings. A further six small terraces are to be created on the front elevation also on the roof of bay windows below. The terraces will not offer any close-range views through any other windows within the application site. The views that the terraces will principally offer will be onto the tree canopy of the mature trees within the application site. Langford Court and no. 20 Abbey Road may be visible in views through the trees. However, the presence of the trees and the distance away these neighbouring buildings would mean any additional overlooking would not be harmful to the privacy of these neighbours. The additional windows at fourth and fifth floor levels will offer similar to views already achievable from this elevation in the building and therefore will be acceptable.

The proposal will increase the number and size of some of the windows on the rear elevation. In addition to this, as the closet wing extensions will add further depth to the building it will bring some windows closer to the nearest neighbouring properties of nos. 35 and 37 Abercorn Place. During the Officer's visit to the application site, it was observed that from existing views in the rear elevation of the host building the gardens and many of the windows in the rear elevations of these neighbouring properties are already readily visible. The proposed increase in size and number of windows on the rear elevation plus the closet wing extensions and the two terraces on top of the closet wing extensions will intensify the overlooking between the application site and nos. 35 and 37 Abercorn Place. Whilst this increased overlooking is undesirable, the matter is not considered unacceptable due to the separation distance between the properties at its closest point only reducing from approximately 15m at its closest point to approximately 12m and therefore being unlikely to offer significantly clear views than are already available. The small windows in the side elevation of the closet wing are undesirable in overlooking terms, however, given that these windows offer a valuable second aspect to many of the currently single aspect flats within the application site they should be retained within the proposal.

Given the degree of overlooking to the rear of application site and the nearest terrace of nos. 31 - 37 Abercorn Place, it is not considered that the creation of four further terraces within the application site in the rear roof slope will result in any additional harm to the privacy of neighbours. These proposed four roof terraces are considered to be sensitively sized and will be positioned behind the line of the existing windows within the building and therefore will not appear prominent in views from neighbour windows. Moreover it was noted during the during the Officer's visit have shown that there are at least two roof terraces within the immediate vicinity at third floor level within the terrace of no. 31 - 37 Abercorn Place. On this basis, the terraces proposed to be created in the rear roof slope can be considered acceptable in amenity terms.

8.3.4 Plant Equipment

The submitted Noise and Vibration Survey by Hoare Lea only contains details of an external and background noise level assessment and does not appear to contain technical details of any specific proposed plant equipment. The Environmental Health Officer has subsequently recommended that inclusion of condition to secure a supplementary acoustic report if permission is to be granted. They raised no objection to the data contained in the external and background noise level assessment.

8.3.5 Summary

Overall and subject to conditions, the proposed development would be consistent with policies 7 and 33 of the City Plan.

8.4 Transportation/Parking

The City Council seek that all development is car free as set out in policy 27 of the City Plan 2019 – 2040 as consistent with policy T6 of the London Plan. The City Council instead will seek that development promotes sustainable transport by prioritising walking and cycling, through creating high-quality and safe road environments as set out in policy 25 of the City Plan. Policy 25 of the City Plan and policy T5 of the London Plan require 1.5 space per 1 bedroom unit and 2 spaces for all other dwellings.

Information provided by the applicant has shown that whilst there is not any existing on-site designated car parking, some cars occasionally had parked to the rear of the building via the access on Abercorn Place. The proposal includes the widening the existing gate on Abercorn Place by approximately 1.0m to create a total width of 3m and the formalisation of 1x on-site accessible car parking space. The Highways Planning Manager states that the width of the proposed opening is unacceptable as it will create an increased conflict point and disruption to pedestrian movement and other highway users. As the location of the point of access to the rear of site for car parking is not changing between the existing and proposed, and that the wider opening in the gate will enhance visibility splays, the impact on pedestrian safety and other highway users is therefore not considered to significant enough to warrant refusal on these grounds.

The Highways Planning Manager states that provision of one car parking space is unacceptable through being contrary to the relevant policy that seeks car free development. Given that the proposed car parking space is formalisation of an existing car parking space and that it is an accessible space, it is not considered reasonable to argue that the provision of this one car parking space will significantly undermine the City Council's commitments to the promotion of sustainable transport. The proposed car parking space is therefore acceptable in highway terms.

An objection was received from a resident which suggested that the new occupiers of the application site may be more likely to be car owners than the previous occupiers and that this would cause additional on-street parking demand. As stated above, the City Council do not wish to provide designated car parking spaces particularly as the application site is readily accessible on public transport. Notwithstanding this, the applicant has agreed to provide car club membership for the new flats and this being secured by a Section 106 agreement as advised by the Highways Planner to further

discourage the use of private car ownership. The applicant also agreed to a Section 106 agreement to secure works and any required alterations to the highway as also recommended by the Highways Planner. The Highways Planning Manager did not express any concerns over the proposal creating any additional traffic or traffic that would negatively impact the local road network, on this basis the proposal is acceptable in traffic terms.

A total of 30 cycle parking spaces are proposed. This includes 22 at basement level in a secure store and 4 short stay spaces as well as designated for 4 larger cargo-style bicycles. Whilst the Highways Planning Manager supports the proposed provision of cycle parking they advised that it was disappointing that cycle parking provision is close to the minimum given the extent interventions being proposed to the application site. As the proposed cycle parking exceeds the minimum and a choice of cycle parking has been provided it is considered acceptable. A condition is recommended to ensure that all proposed cycle parking is implemented. In summary of the above, the application is regarded as acceptable in highways terms.

In summary of the above, the proposal can be considered acceptable in highways planning terms subject to Section 106 agreement to secure works to the highway and car club membership.

8.5 Economic Considerations

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

8.6 Access

The creation of a new pedestrian access from the building onto Abbey Road is uncontentious.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Refuse /Recycling

The City Council seek that all new development must provide appropriate facilities for the storage and separating of waste streams to maximise recycling and which are safe and convenient to access for the deposit and collection as set out in policy 37 of the City Plan 2019 – 2040. This supported by policy 7 part G which seeks that development is neighbourly by making providing appropriate waste management arrangements. Policy D6 of the London Plan also requires the separation of waste streams.

The proposed waste store is shown on drawing P2000 P1 proposes 5x 1100litre bins a 1x 660litre bins. Details of which bins will be used for which waste streams is however shown on page 54 of the Design and Access Statement. During the first consultation with the Waste Officer they raised an objection stating the submitted drawing is not in accordance with the City Council's Waste Storage Guidance, namely because of the absence of annotations on the drawing and that food waste can only be stored in 140L bins. In the second consultation with the Waste Project Officer they clarified their

objection was made with taking page 54 of the Design and Access Statement into consideration, and that they require the annotations of waste streams on the drawings for ease of including conditions securing the waste store in accordance with these details.

Due to the applicant demonstrating that it would be possible to provide sufficient waste storage for general waste and various separated recyclable materials including separated bins for paper, glass and other recyclable materials and that the waste store is conveniently located for resident use and collection it is not considered reasonable to refuse permission on these grounds. A condition is therefore recommended to obtain a revised waste store which provides the necessary multiple 150litre food waste bins so all waste streams can be fully separated in line with the City Council's waste requirements.

8.7.2 Trees

The City Council seeks to maximise greening wherever practical and to protect and enhance its tree population as set out in policies 7, 34 and 38 of the City Plan 2019 - 2040. Policy 34 seeks trees of amenity, ecological and historic value which contribute to the character and appearance of townscape are protected and that all development contributes to the greening of Westminster by incorporating trees, green walls and other green features.

The Arboricultural Officer raised objection to the application on grounds that the proposed lightwell to the south side of the building would be in close proximity to three young lime trees. They have stated that the extent that the lightwells could have an uncomfortable relationship with the trees which may prevent them from reaching full maturity by constricting their root growth.

In response to the applicant reduced the lightwell's width from approximately 2.5m to 2.0m. The applicant was asked to reduce the width more than this. However, the applicant demonstrated that any further reductions would cause a high degree of enclosure to the bedroom served by the lightwell as well as begin to reduce the daylight and sunlight it would receive. On balance, this incursion into the RPA of these trees is considered acceptable as it would safeguard the living standards of a future resident and would not necessarily result in the decline or loss of these trees.

The Arboricultural Officer also raised concern over the proposed pedestrian route from the Abbey Road frontage which is to be positioned between T12 and T13 which are mature lime trees protected by the tree preservation order. In addition to this pedestrian route has further associated hard landscaped area for short-stay cycle parking in very close proximity to T13. The Arboricultural Officer stated that these hard landscaping elements have the potential to cause harm to the roots of these trees routes and details of the foundations and surface design will need to be secured to ensure that the foundations can be modified to avoid tree roots and that they are 'no-dig'. In response to this, revised landscaping plans were submitting omitting the cycle parking from this location. The short stay cycle parking is now located close to the bin store where it will not impact on any trees. A condition is recommended requiring foundation details of any structures within RPAs whilst a further condition also recommended to secure tree protection measures.

There are a total four trees in the rear garden area of the application site. These trees are T1, T4, T5 and T7 and they are all proposed to be removed. The Arboricultural Officer advised that the trees are not exceptional specimens, however they added that they provide valuable greening in particular T5 which is large cypress tree that is overlooked by a number of properties and visible from Abbey Gardens. In addition, they added that T1 which is cherry tree provides focal point of greening within the site, as such it would be desirable for a replacement tree to be planted in a similar location.

The proposed replacement trees shown on the originally submitted landscaping plans were not deemed by the Arboricultural Officer to provide adequate justification for the removal of the four trees. During the course of the application the Arboricultural Officer provided detailed advice on the specific tree species that believed would be appropriate to this garden setting based on canopy shapes and suitability to local soil. Following this advice, a third set of landscaping plans were provided which now include an additional tree to replace the attractive cherry tree and revisions to other proposed species that now meet the Arboricultural Officer's expectations.

In summary of the above, the application is regarded as being acceptable in arboricultural terms.

8.7.3 Biodiversity

Policy 34 of the City Plan requires that all development contribute to the greening of Westminster by incorporating trees, green walls other green features into the design of the scheme in the interest of achieving a biodiversity net gain as well as to provide new habitats for priority species.

The applicant is generally considered to have limited scope for the incorporation of green walls or green roofs. However, green roofs are proposed on the roof of each of the three single storey extensions at basement level and on the top of the bin and cycle stores. It is not considered possible for any other green roofs to be incorporated at main roof level given the solar panels proposed. A condition is recommended seeking further details of these green roofs and an associated management plan. It is stated on the proposed landscaping plans that bat boxes, bird boxes, a log pile and two invertebrate boxes will be added, however the location of these features has not been stated. During the Officer's visit it was noted that there are not any existing features actively encouraging wildlife and biodiversity, as such the proposal can be considered as being an improvement and therefore acceptable in this regard. A condition is recommended to ensure that these biodiversity features are implemented. Subject to conditions the application can therefore be considered acceptable in greening and biodiversity terms.

8.7.4 Energy / Sustainability

The City Council seek that all development maximises the use and creation of renewable and or low carbon energy sources to minimise the effects of climate change and follows the principles of the Mayor of London's energy hierarchy in policy SI 2 in the London Plan as set out in policy 36 of the City Plan 2019 – 2040. This is supported by policy 38 of the City Plan 2019 – 2040 that seeks sustainable design is incorporated into all development through the use of high-quality durable materials, flexible and high quality floorspace, optimising resource and water efficiency and minimising the need for

plant and machinery. Policy 38, part E requires that conversions or extensions over 500sqm demonstrate an 'Excellent' BREEAM rating or equivalent.

The submitted Energy and Sustainability Statement has demonstrated that a 'be lean (use less energy)' approach will be taken through; upgrading of the thermal envelope and ensuring new fabric both exceed building Regulations, new windows being selected to minimise solar gain in the summer and maximise solar gain in the winter, mechanical heat recovery to provide energy efficient ventilation as well as the use of energy efficient lighting throughout. There will not be any plant equipment which provides cooling such as air condition. These measures present reduction of 57% CO₂ emissions when compared to the existing; therefore exceeding the Be Lean target of 10%, and can be considered acceptable as well as fulfil the relevant advice the City Council's Environment Supplementary Planning Document. Water efficiency will be enhanced through the use of specification of energy efficient sanitary ware and the use of water meters in each dwelling to encourage occupants to reduce water use.

With regard to 'be clean (supply energy efficiently)' the submitted Energy and Sustainability Statement has demonstrated why it will not be possible to connect to any existing Decentralised Heat Networks as desired by the City Council's ESPD. A Combined Heat and Power system has not been proposed which is supported by the City Council's ESPD in the interest of potential air quality impacts.

With regard to 'be green (use low and zero carbon technologies)' the submitted Energy and Sustainability Statement is considered to provide ample reason why ground, water and exhaust source heat pumps have not been proposed. Air source heat pumps are becoming increasingly popular within Westminster and is anticipated that proposals of this nature now incorporate them. The Energy and Sustainability Statement states air source heat pumps have not been proposed due to scale of external plant space that would be required to meet the energy needs of the building, and how this would impact on the amount of outdoor space for residents and landscaping, its visual impacts on the conservation area as well as amenity impacts on neighbours. As it is considered that the proposal already efficiently uses the layout of the site and there it being agreed that there are not any obvious spaces for air source heat pumps without making other sacrifices the absence of air source heat pumps is considered acceptable. The main roof of the building is to contain 58 photovoltaics panels and is considered to efficiently use the space available. These 'be green' measures present reduction of 62% CO₂ emissions when compared to the existing; therefore exceeding the Be Lean target of 10% and can be considered acceptable as well as fulfil the relevant advice the City Council's Environment Supplementary Planning Document.

As the proposal is not a major development it is not required to be zero-carbon nor is a cash in lieu contribution required in the event of any shortfalls. The submitted BREEAM Domestic Refurbishment pre-assessment demonstrates that the proposal will achieve a baseline score of 74.12% and therefore exceed the minimum recommended Excellent score of 70%. A condition is subsequently recommended requiring that the development is implemented in full accordance with the submitted Energy and Sustainability Statement.

In summary of the above and given the constraints and limitations of the application site including the retention of the original exterior of the building the proposal is considered to

fulfil the recommended hierarchy of be lean, be clean and be green. In addition to this the submitted BREEAM report has shown that it will exceed minimum Excellent rating and as such it can be considered to be acceptable in energy terms.

8.8 Westminster City Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with s.38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan adopted in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 8.9). As set out in s.38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

8.9 Neighbourhood Plans

The application site is not located in an area that is subject to a neighbourhood plan.

8.10 London Plan

This application raises no strategic issues.

8.11 National Policy/Guidance Considerations

The City Plan 2019 - 2040 (April 2021) policies referred to in the consideration of this application are considered to be consistent with the NPPF 2021 unless stated otherwise.

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

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the City Council's Code of Construction Practice, the requirement to provide land contamination information and tree protection details. The applicant has agreed to the imposition of each of these conditions.

8.12 Planning Obligations

The applicant has confirmed that they are willing to enter a S106 agreement to ensure the following are provided –

- a) All highway works immediately surrounding the site required for the development

- to occur prior to occupation of the development, including alterations to the vehicle crossover and for it to be to the Council's specification, at full cost (administrative, legal and physical) of the developer;
- b) Provision of lifetime (25 year) car club membership for the five new residential units from first occupation of the development.

The estimated CIL payment is as follows –

The TFL Gross Charge is £78,802.64

The WCC Gross Charge is £655,715.13

The total charge is £744,517.77

The above figures do not include any CIL exemptions that the applicant may be applicable to the applicant.

8.13 Environmental Impact Assessment

The proposed development is not EIA development.

8.14 Other Issues

8.14.1 Basement

The excavation of basements must be found to be in accordance with policy 45 of the City Plan 2019 – 2040.

Part A 1 and 2 of policy 45 requires basement development to safeguard structural stability and be design and constructed to minimise construction impacts on the surrounding area as well as minimise surface water and sewerage flooding risks. Part A 3 and 4 seek that basement development protects heritage assets and conserves the character and appearance of the host building, its setting and the surrounding area. These considerations are discussed separately in Design part of this report.

The City Council's Building Control Officers have reviewed the applicant's Structural Methodology Statement and advise that they have no adverse comments with stating that submitted information is compliant and accepted and the scheme is justified structurally and considered viable. The City Council wish to make it clear the applicant's reports are not directly being approved, but instead is used to show that there is no impediment foreseeable at current stage that would prevent the creation of a basement in principle. As the relevant reports have been produced by a professional organisation, they carry a duty of care which should be sufficient to demonstrate that assessment made is accurate.

One objection from a neighbour raised concern over disruption during the works such as from noise, debris crane use and losses of privacy. Whilst construction impacts are not typically regarded as material planning matters, the applicant has agreed to the City Council's Code of Construction Practice (CoCP), which demonstrates their adherence to undertaking measures to mitigate various construction impacts such as noise, dust and vibration.

The application site is located within Flood Risk Zone 1 (Low Risk) but within the Surface Water Hotspot as identified by the City Council's Basement Development Supplementary Planning Document. A site-specific Flood Risk Assessment has been provided within the Drainage Statement. The FRA clarifies that the proposal will reduce the extent of impermeable surfaces on the site by 289sq.m adding that that permeable paving will be used for the driveway to the rear of the building, given this and the prevalence of soft landscaping to the front, sides and rear of the site it is considered that the proposal has been designed to sufficiently minimise surface water flooding as sought by the policy. The FRA confirms the pumps will be added basement level in the event of sewer surcharge which is in accordance with Thames Water's comments on the application.

Parts B1 and B2 of the policy seek that basement do not extend beneath more than 50% of the garden and that they leave a margin of undeveloped land between the basement and the edge of the site. Parts B3 seek that only one basement storey is added and that any basements not beneath the host building are at least 1.2m below the surface. Part B5 of the policy applies to basement extensions which extend beneath the highway.

The proposed basement does not extend beneath any of the garden. The majority of the proposed basement is positioned a considerable distance from the edge of the application site except for an approximately 1m long stretch adjacent to the boundary with no. 11 close to the rear elevation of this property. Whilst the arrangement is not in accordance with the policy, it is not considered reasonable to refuse permission on these grounds the very minor extent this may impact this neighbours garden and that it is so close to the rear elevation of their property. Due to the relatively minor extent that the proposed buildouts at basement level project into the garden and they will be topped with garden roofs, it is not considered that these rooms should onerously be located at least 1.2m below the level of the surface as sought by the policy. The proposed buildouts a basement level will be topped with green roofs enabling a contribution to garden setting of the application site.

In summary of the above the proposed basement excavation is fully compliant with the relevant policy and can be considered acceptable.

8.14.2 Construction impact

A number of objections raised concern over construction impacts. The objections stated that it will be disruptive on quiet road, noise will cause issues for residents working from home, debris will be created and there will be loss of privacy. Others queried the absence of traffic management plan and requested the duration of the works and that works only take place between 10:00am and 16:00. Regrettably construction impacts are not a material planning consideration, as such these objections should not influence the outcome of this planning application. Notwithstanding this the applicant has agreed the City Council's code of construction practice which should help mitigate some of the impacts and in addition to this noise work including drilling, piling and excavation will only take place between Monday to Friday from 08:00 until 18:00 in accordance with the City Council standard conditions for development of this size. Similarly, traffic management plans are not required for development of this size and as such it is not reasonable to insist that one is provided within this planning application. The duration of

the works also beyond the City Council's control, however the programme of works within the submitted Construction Methodology Statement shows that basement and structural works will take approximately one year.

8.14.2 Crime and Security

The Metropolitan Police were consulted on the application and raised no objection to the application. However they did request that the gate on Abercorn Place is fobbed only for the owner of the car parking space and a new pedestrian gate is created with access control system for each flat. Given the frequency that the rear entrance is to be used by many of the occupiers of the building and due to it also being the entrance most people use when coming to or from the cycle and waste stores, in addition to this entrance also being where servicing will take place, it is not considered reasonable that the City Council insist that this entrance is fobbed. Whilst the creation of adjacent pedestrian access would be desirable it is not considered that there is sufficient space to create one given the proximity of adjacent tree and bin stores. The terrace in the rear roof slope have now been reduced in size in accordance with the Metropolitan Police's advice in order to prevent unauthorised access from one terrace to the next. It was requested in an objection from a neighbour that fences to the rear of the site were increased in height to prevent burglaries. Whilst the matter is noted, it is considered to be beyond the scope of the application and it appears to be no obvious reason why the objector could not install their own fence.

8.14.3 Other

It was raised in an objection that the local sewer infrastructure of the area is not equipped to accommodate the increased demand. The submitted FRA states that Thames Water have been notified about the proposal and confirmed there is sufficient capacity in the local sewer network. Thames Water also commented on the application specifically stating that they raise no objection to the application with regards to wastewater network and sewage treatment works infrastructure capacity.

In the Environmental Health Officer comments on the application they stated given the extent of proposed demolition and excavation that the applicant should consider the possibility of land contamination from sources such as asbestos or hydrocarbon storage tanks. As such they requested that land contamination details are secured by condition.

8.14.4 Glare

An objection was received stating that the additional glazing to the rear elevation will cause additional glare shining onto no. 29 Abercorn Place. Although it is recognised that this is possible, the revised extent of glazing is not significantly different to the existing and in any event such glare would be unlikely to be harmful to the amenity of nearby residents.

(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: NATHAN BARRETT BY EMAIL AT northplanningteam@westminster.gov.uk.

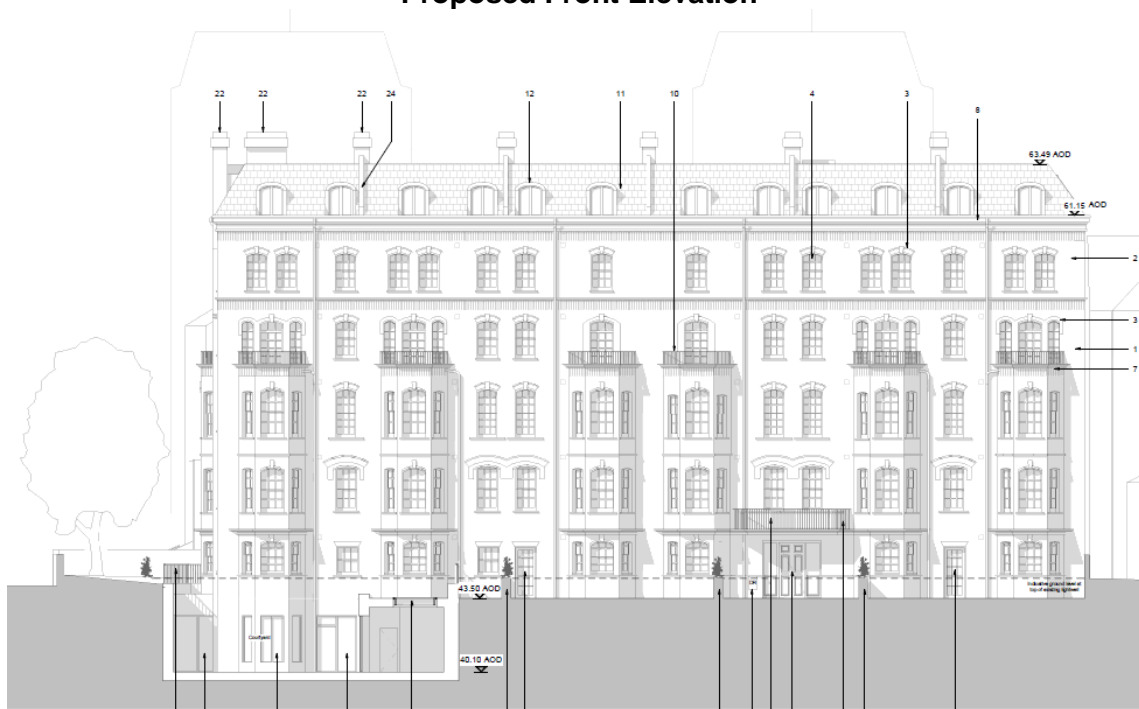
Item No.
3

9. KEY DRAWINGS

Existing Front Elevation



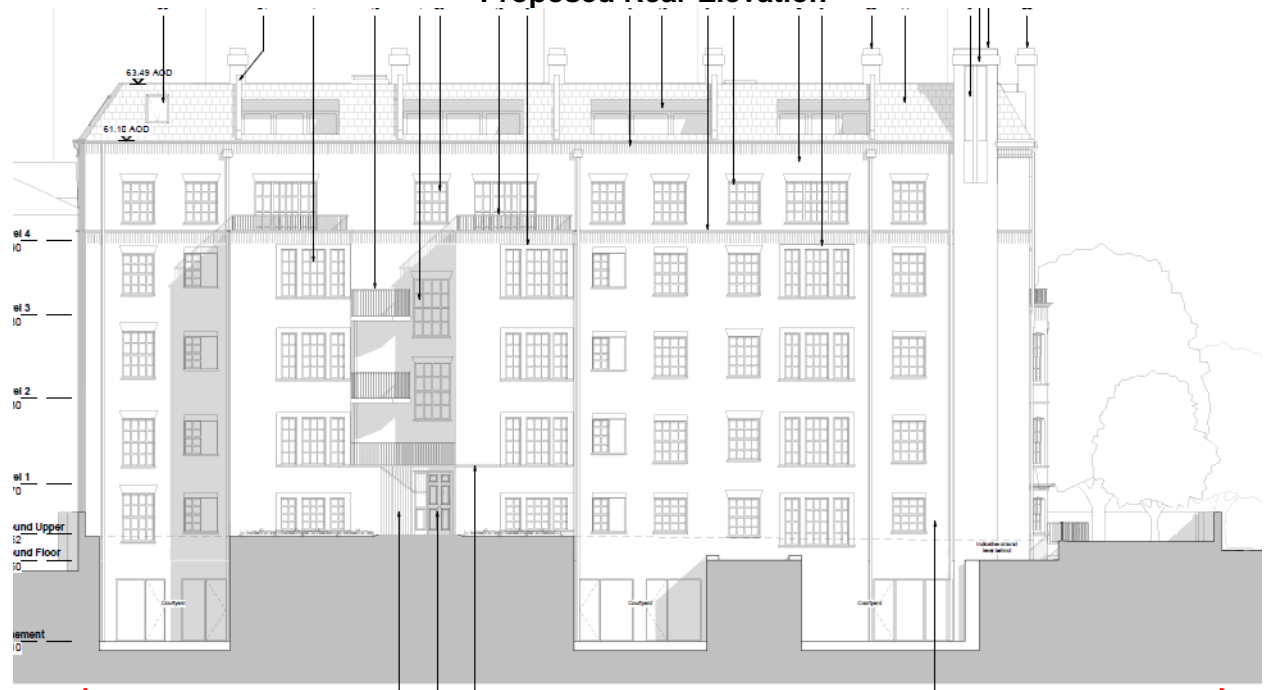
Proposed Front Elevation



Existing Rear Elevation



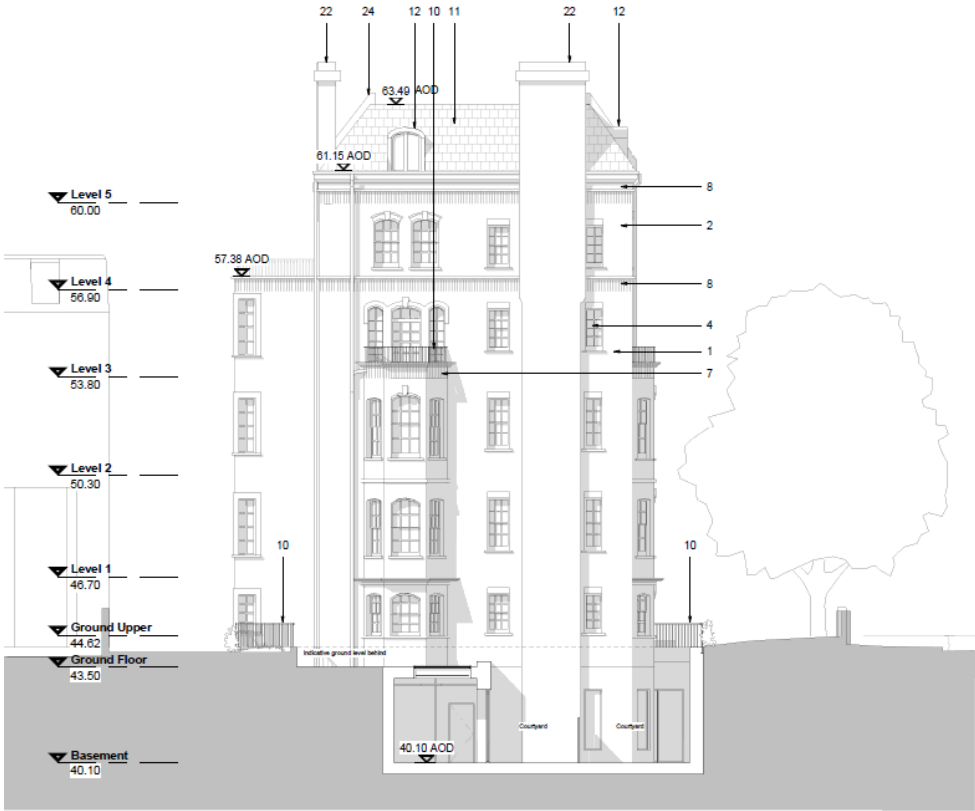
Proposed Rear Elevation

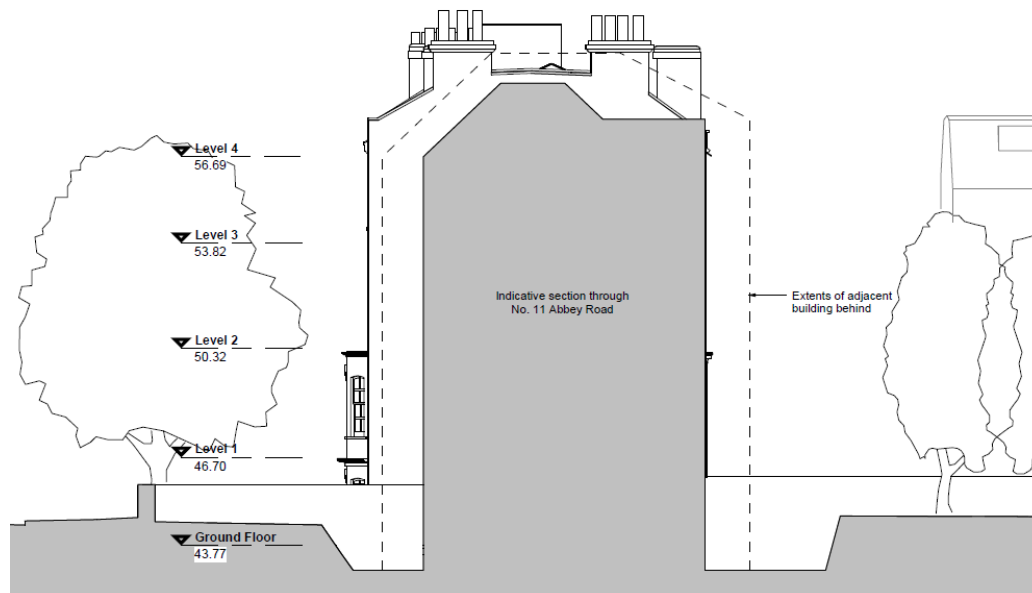
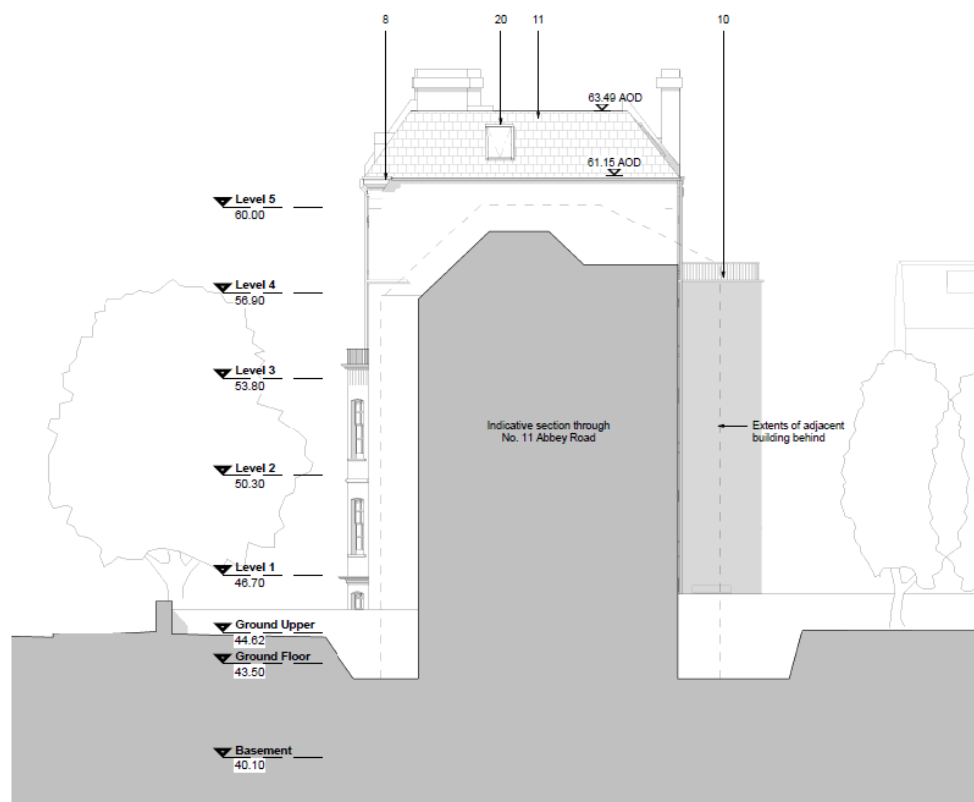


Existing South East (Abercorn Place) Elevation



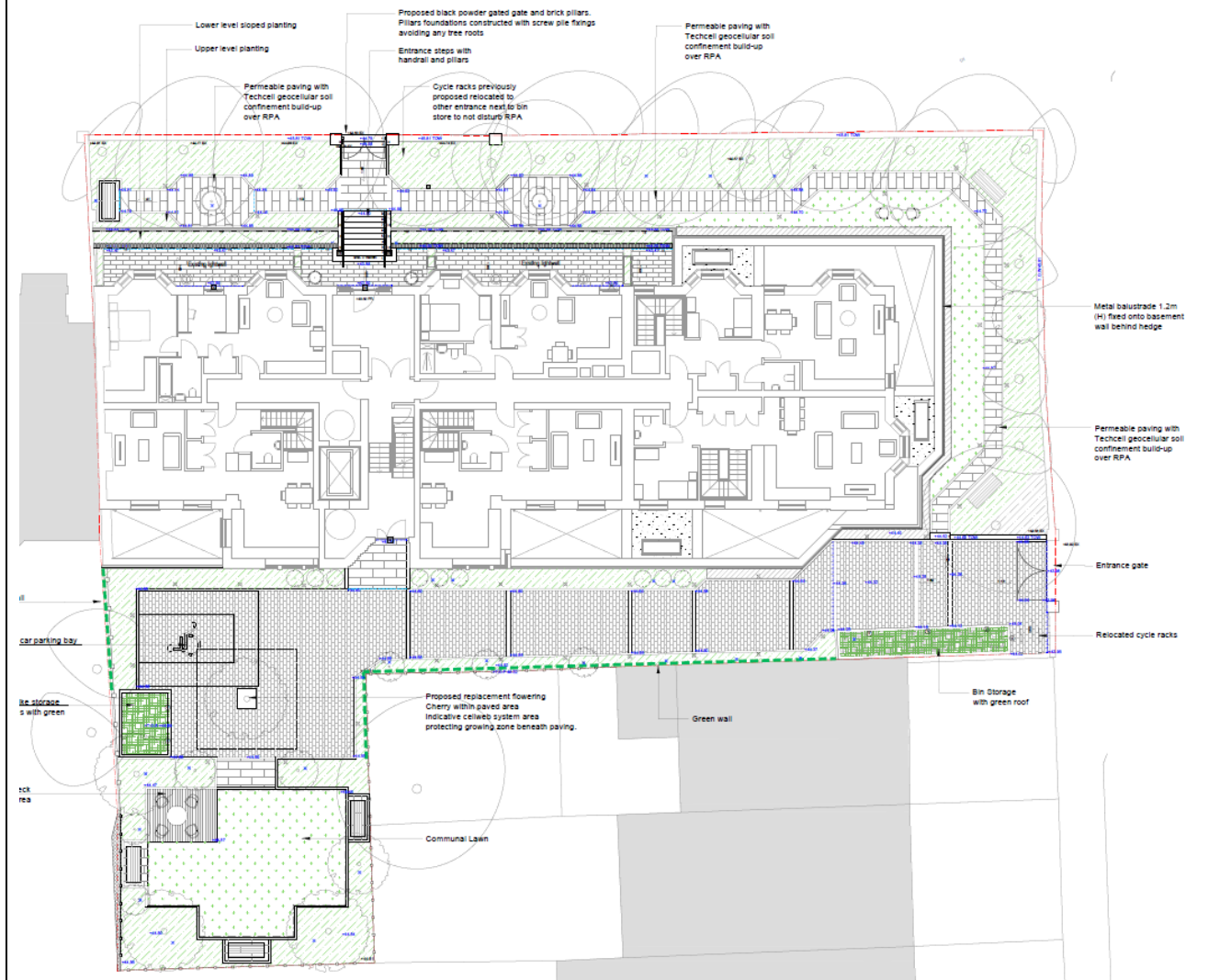
Proposed South East Elevation

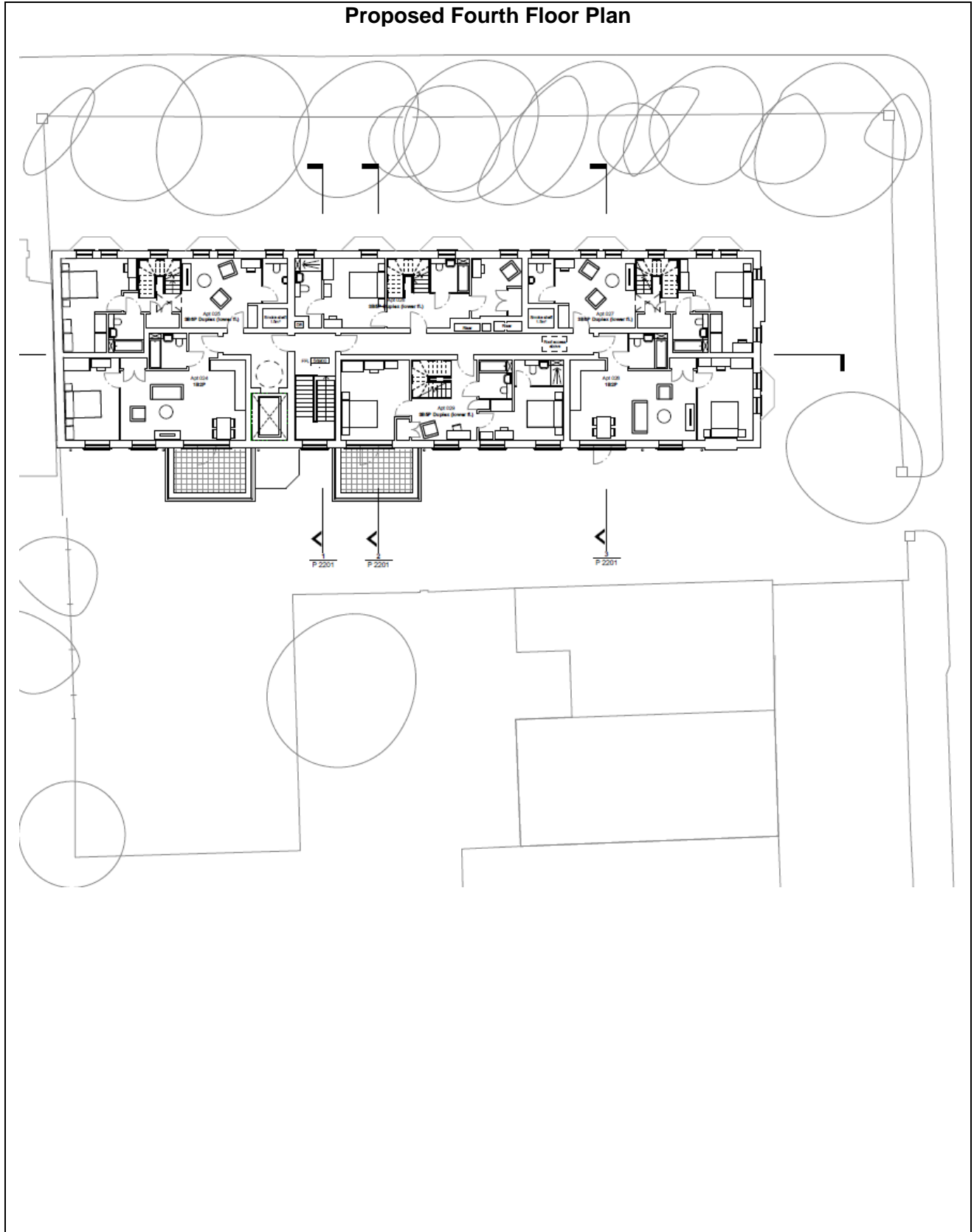


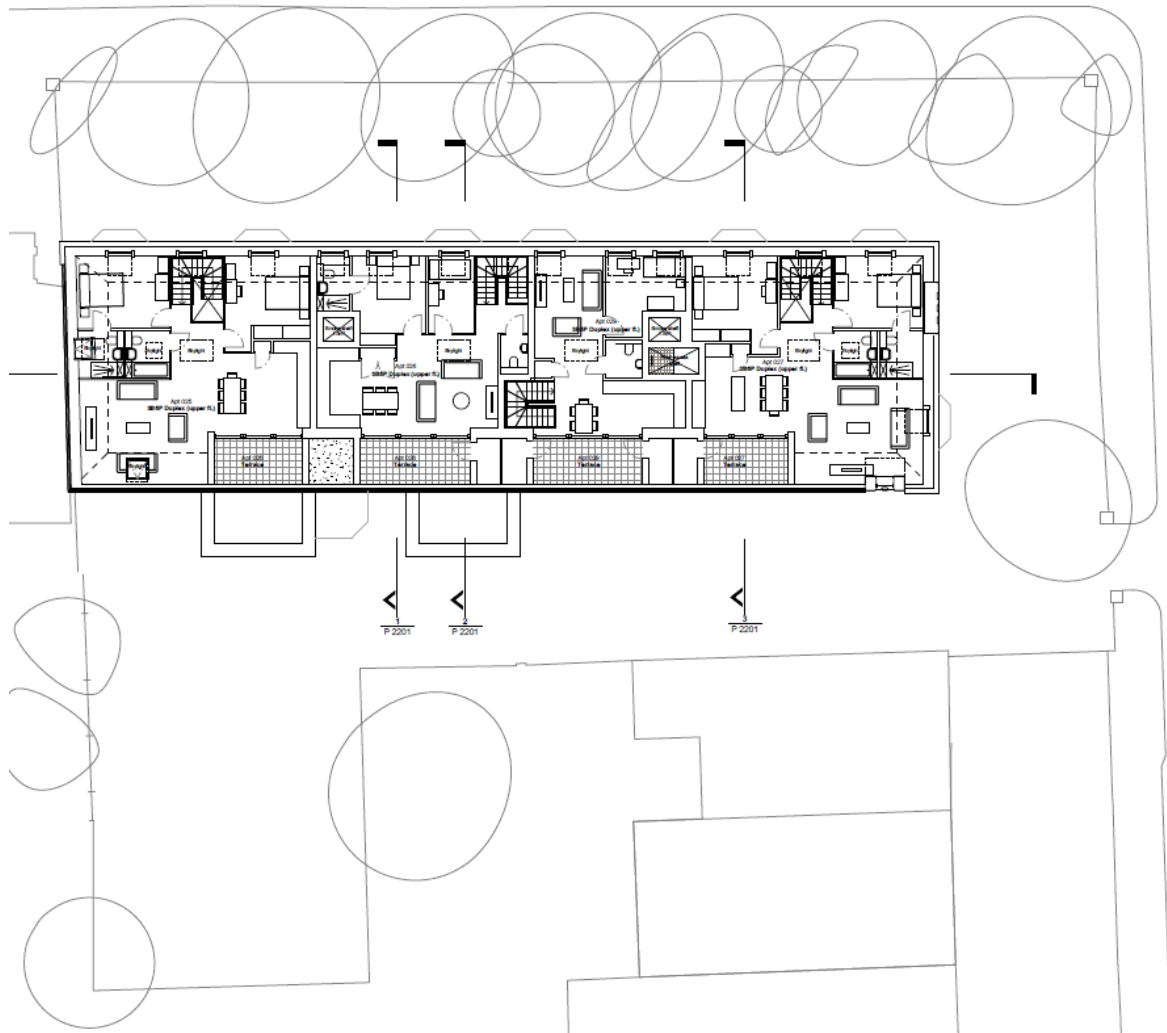
Existing North West Elevation**Proposed North West Elevation**

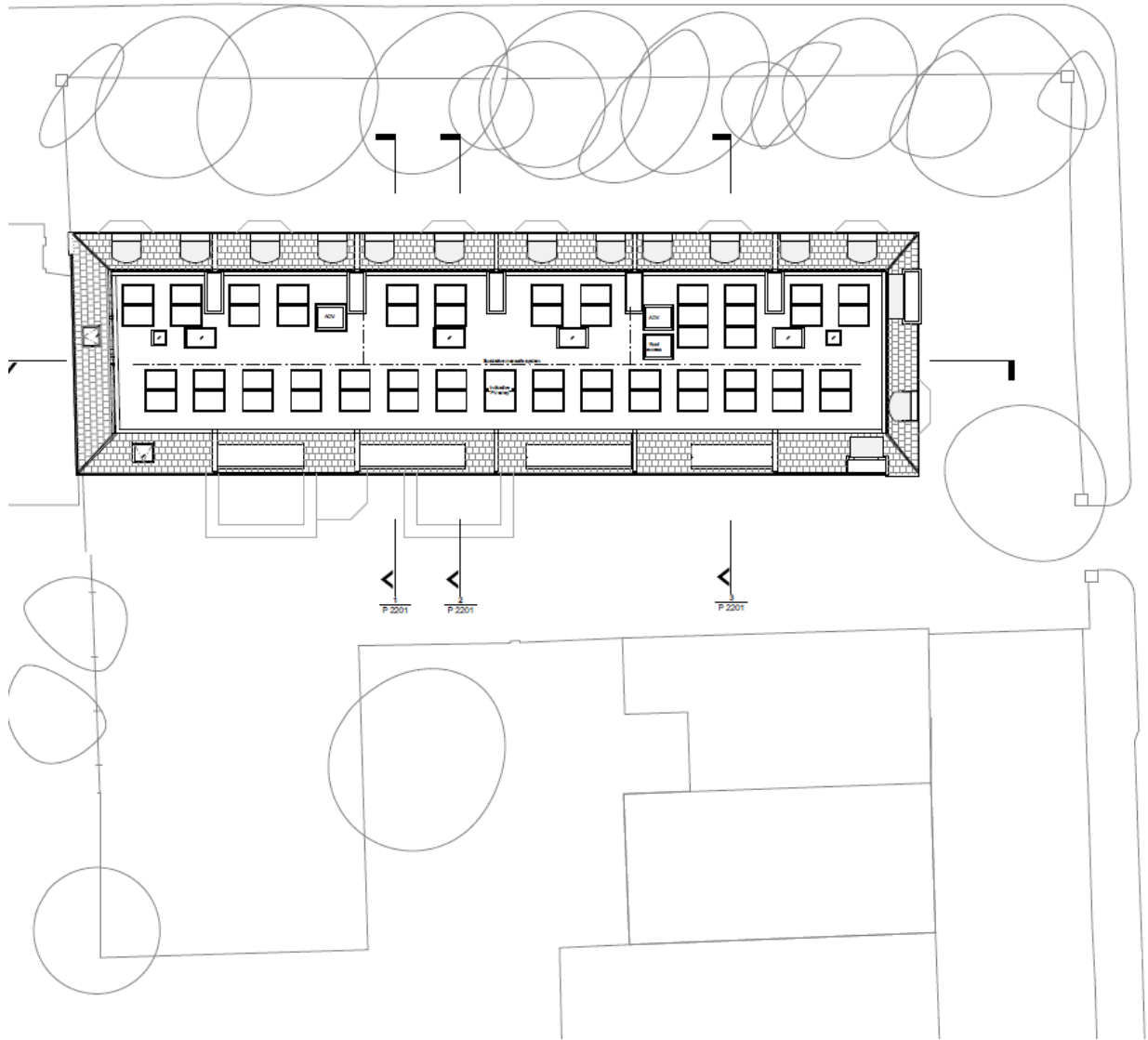
Existing Long Section**Proposed Long Section**

Proposed Site Plan



Proposed Fourth Floor Plan

Proposed Fifth Floor Plan

Proposed Roof Plan

DRAFT DECISION LETTER

Address: St Marks Court, Abercorn Place, London, NW8 9AN

Proposal: Erection of single storey roof extension, four storey rear extension and new basement level to provide 5 new residential dwellings (Class C3), additional bay windows to the façade, new entrance to Abbey Road, additional cycle parking and landscaping and associated works.

Reference: 21/06791/FULL

Plan Nos: P0200 P1, P0600 P1, P0601 P1, P0602 P1, P0603 P1, P0604 P1, P0605 P1, P0700 P1, P0701 P1, P0702 P1, P0800 P1, P1000 P1, P1001 P1, P1002 P1, P1003 P1, P1004 P1, P1005 P1, P1100 P1, P1101 P1, P1102 P1, P1200 P1, P0300 P2, P1999 P2, P2000 P2, P2001 P2, P2002 P2, P2003 P2, P2004 P2, P2005 P2, P2006 P2, P2100 P2, P2101 P2, P2102 P2, P2110 P2, P2111 P2, P2200 P2, P2201 P2, ST_MRKS_GA_001_L101, Accommodation Schedule, Appendix A - Checklists, Financial Viability Assessment Review (Turley), Existing Area, Design and Access Statement Part 1, Design and Access Statement Part 2, Cover Letter, Fire Statement, Infrastructure Statement, Noise Vibration Survey, Planning Statement, Primarily Ecological Appraisal, Statement of Community Involvement, Drainage Statement, Structural Methodology Statement, design and Access Statement Addendum, Internal Daylight and Sunlight Assessment, Daylight, Sunlight and Overshadowing, Daylight and Sunlight Assessment Impact on Neighbouring Properties Appendices, Arboricultural Impact Assessment Rev 1a, Energy Statement Part 1, Energy Statement Part 2, Heritage Statement, Transport Statement, Financial Viability Assessment and Appendices (DS2) and Refurbishment and Construction Methodology.

Case Officer: Harry Berks

Direct Tel. No. 07866037030

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 neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 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 St John's Wood Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26DE)

- 4 **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 neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 5 **Pre-Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the

contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018.

You must apply to us for approval of the following investigation reports. You must apply to us and receive our written approval for phases 1, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed but before it is occupied -

Phase 1: Desktop study - full site history and environmental information from the public records.,

Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property.

Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution.

Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate., (C18AA)

Reason:

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in Policy 33(E) of the City Plan 2019 - 2040 (April 2021). (R18AB)

- 6 You must apply to us for approval of materials and their specifications; of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. This must include on-site a trial panel of brickwork demonstrating your proposed brick type(s), bonding, pointing and any surface finishes. This must be made available to us for our inspection with good notice and be kept for reference on-site until practical completion. You must also apply to us for approval of a detailed written and photographic specification of the agreed brickwork trial panel along with any other new facing and hard surfacing materials you propose to use, supported by annotated versions of the approved elevations and roof plans to demonstrate the usage of each of the proposed materials. You must not start work on the relevant parts 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.

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 St John's Wood Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 7 You must apply to us for approval of further information about the following parts of the development;
 - (a). New windows and doors (detailed elevations and sections at 1:5);,
 - (b). External envelope of extensions (detailed elevations and sections at 1:20);,
 - (c). New external steps, ramps, balconies and railings / balustrades (detailed elevations and sections at 1:10);
 - (d). New gates and gate piers (detailed elevations, plans and sections at 1:20).

All drawings must show the relevant new components in context with their surrounding fabric such as reveals or adjoining retained construction. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these approved details. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St John's Wood Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St John's Wood Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 9 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building facing the street unless they are shown on drawings we have approved. (C26MA)

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 St John's Wood Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26DE)

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

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021). (R21AD)

- 11 You must apply to us for approval of details of how waste is to be stored on site and how materials for recycling and food waste will be stored separately. 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 provide the approved waste store prior to occupation of the development and thereafter permanently retain the stores according to these details. You must clearly mark the stores and make them available at all times to everyone using St Mark's Court.

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 12 You must provide each cycle parking space shown on the approved drawings prior to occupation of the development. Thereafter the cycle spaces must be retained and the space used for no other purpose.

Reason:

To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22FB)

- 13 You must provide the disabled car parking space shown on the approved drawings prior to occupation of the development and thereafter permanently retain them. The car parking shall only be used for the parking of vehicles of disabled people living in this development.

Reason:

To provide parking spaces for people using the development as set out in Policy 27 of the City Plan 2019 - 2040 (April 2021). (R22AC)

- 14 You must apply to us for approval of details of any new foundations or surfacing or any other new structures which are located within the root protection area of any retained tree (as defined by paragraph 5.2.2 of British Standard BS5837: 2012) and within five metres beyond it. You must include existing and proposed Section drawings of these features and you must demonstrate that any new surfacing is 'no-dig'. You must not start work on these parts of the development until we have approved what you have sent us. You must then carry out the works in accordance with the approved details.

Reason:

To protect the trees and the character and appearance of this part of the St John's Wood Conservation Area. This is as set out in Policies 34, 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R31DD)

- 15 **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 external 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 protect the trees and the character and appearance of this part of the St John's Wood Conservation Area. This is as set out in Policies 34, 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R31DD)

- 16 You must carry out the tree planting as shown drawing ST_MRKS_GA_10_L500 dated 14th March 2022 within one planting season of completing the development (or within any other time limit we agree to in writing). If you remove any trees or find that they are dying, severely damaged or diseased within ten years; of planting them, you must replace

them with trees of a similar size and species.

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the St John's Wood Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in Policies 34, 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R30CE)

- 17 You must provide details and locations of the following bio-diversity features before you start to use any part of the development, as set out in your application:

2x bat boxes, 4x bird boxes, 1x log pile and 2x invertebrate boxes.

You must maintain and retain these features for the lifetime of the development.

Reason:

To increase the biodiversity of the environment, as set out Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43FC)

- 18 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roofs for the followings part of the development - ,

- Single storey extensions at basement level
- Roof of the single storey entrance to the rear
- The cycle and bin stores.

This should 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 and thereafter retain and maintain in accordance with the approved management plan. (C43GA)

Reason:

To protect and increase the biodiversity of the environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43CC)

- 19 (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 in writing 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 in writing 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 written 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. (C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R46AC)

- 20 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 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the

draft Environmental Supplementary Planning Document (May 2021). (R48AB)

- 21 The design and structure of the building shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night. (C49AA)

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development, as set out Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R49BB)

- 22 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 19 of this permission. You must not start work on this part of the development until we have approved in writing what you have sent us. (C51AB)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. (R51AC)

Informative(s):

1 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 visit our website at www.westminster.gov.uk/guide-temporary-structures.

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

BUILDING REGULATIONS:, You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found

on our website at www.westminster.gov.uk/contact-us-building-control

- 2 With reference to condition 4 please refer to the Council's Code of Construction Practice at (www.westminster.gov.uk/code-construction-practice). You will be required to enter into an agreement with the Council 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, e.g. the full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements), must be submitted to the City Council's Environmental Inspectorate (cocp@westminster.gov.uk) **at least 40 days prior to commencement of works** (which may include some pre-commencement works and demolition).

The checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition.

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 Inspectorate team must be paid on submission of the details relating to the relevant phase. Appendix A must be signed and countersigned by the Environmental Inspectorate prior to the submission of the approval of details of the above condition.

- 3 Condition 5 refers to a publication 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018. You can get a copy of this document at www.westminster.gov.uk/contaminated-land. For further advice you can email Public Protection and Licensing at environmentalsciences2@westminster.gov.uk.
- 4 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application and to read our guidelines on street naming and numbering, please visit our website: www.westminster.gov.uk/street-naming-numbering (I54AB)
- 5 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and

existing road levels at each access point.

If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please email AskHighways@westminster.gov.uk.

- 6 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, removal or alteration of on-street restrictions (including residents parking bays) and changes to on-street speed reduction humps. You will have to pay all administration, design, supervision and other costs of the work, including those relating to the relocation of the existing speed humps, if possible. We will carry out any work which affects the highway. For more advice, please phone 020 7641 3200. Also this approval is subject to site survey and findings.

Under Section 184 of the Highways Act 1980, the permission is likely to be required for the necessary footway crossover and it is likely to be refused in most cases, particularly where the provision of a footway crossover lead to the loss of an on-street parking space either for daytime or night-time use.

- 7 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

If you wish to discharge surface water to a public sewer you must obtain prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services.>

If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing trade.effluent@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not

taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes> Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near our mains (within 3m) we'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>,

The proposed development is located within 15m of our underground water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our, assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes> Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk

- 8 The Metropolitan Police give the following advice: The communal doors should tested and certified to LPS1175 B3 with an audio visual access control system for each dwelling and that there are not any trades buttons on access door. Air lock lobbies should be created and internal doors should tested and certified to LPS1175 B3 with an audio visual access control system for each dwelling. An additional set of doors is needed between the lift lobby and the corridor from the Ground Floor level to Third Floor level. All accessible windows and doors must be tested and certified to PAS24:2016. This will include the windows and doors to the terraces on the basement level. All new front doors will be tested and certified to PAS24:2016 and have a suitable door viewer installed. It is recommended that the windows within the stairwell are not openable to avoid anyone being able to gain access to the balconies through these. Please note that this should be passed to the Fire Security Consultant to ensure it complies with fire safety regulations.
- 9 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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

Item No.
3

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

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 5 th April 2022	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Marylebone High Street	
Subject of Report	12 Marylebone Mews, London, W1G 8PX		
Proposal	Installation of air source heat pump within acoustic enclosure to rear flat roof at second floor level; provision of new planter at second floor level; and associated works		
Agent	Patalab Architecture		
On behalf of	McCormick		
Registered Number	21/07283/FULL	Date amended/ completed	5 November 2021
Date Application Received	22 October 2021		
Historic Building Grade	Unlisted		
Conservation Area	Harley Street		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site is an unlisted mid Victorian mews house located towards the south-eastern end of Marylebone Mews within the Harley Street Conservation Area. The property is a three-storey single family dwelling that backs onto 66 Wimpole Street. It has a traditional mansard roof, and at the rear this is set back from the rear wall by an area of flat roof.

Permission is sought for the installation of an air source heat pump within an acoustic enclosure together with a planter at rear second floor level. Whilst permission has been refused, in both April 2020 and January 2021, for an acoustic enclosure at this level, this proposal differs from the refused schemes in that the enclosure is now smaller and is proposed in materials which match the existing roof covering.

The Marylebone Association and objectors raise objections on the grounds that the air source heat pump would result in an obtrusive addition to the detriment of the character of the conservation area. They also do believe that the planter will not adequately conceal the plant equipment, would not be frequently maintained, and would therefore deteriorate rapidly and not serve its purpose.

The principle of an enclosure in this location is considered to be acceptable in design terms given that the enclosure is considered to read as an addition to the flat roof, rather than an extension to the roof form. The current proposals are considered to be an improvement on the previously refused applications. Its bulk is not so great as to warrant a refusal on the basis of the City Councils roof extension policies. The reduced size of the enclosure, along with the change in materials is considered to overcome the objections raised. It is therefore considered acceptable in design terms subject to the submission of samples of the cladding material for the enclosure and planter. The planter is proposed in a dark material to match the existing roof level materials and is uncontentious. The comments regarding maintenance of the plants are noted, and a condition is proposed requiring the planting to be maintained.

The closest residential to the application site are the adjoining properties at 11 and 14 Marylebone Mews and 66 Wimpole Street to the rear. One comment and six objections have been received from neighbouring residents, who raise concerns regarding noise and vibration and loss of daylight. The Marylebone Association also state that the plant must comply with the City Councils noise and vibration policies.

Objectors also raise concern regarding the accuracy of the noise report, particularly the distances referred to in the noise report and the noise levels generated by the proposed plant. Whilst the submitted acoustic report does state that the plant will be between 4 to 6 metres to the nearest affected terraces, the objector believes the distance to be 2.6m-2.9m. There is a terrace within the adjoining roof space at 14 Marylebone Mews which has not been referred to in the report which is approximately 2m from the proposed unit. However, the City Council's requirements are to noise sensitive windows and the closest residential window referred to in the report is stated as being 5 metres away from the unit (a window in the rear face of the adjoining property). Whilst there is a window within the roofspace that serves the adjoining roof terrace that is closer than the 5 metres referred to in the report, it is a storey lower than the proposed unit and is also screened by the existing building. Environmental Health concur with this assessment and accept that the window within the report is the most sensitive one. Objectors are also concerned that the plant will run intermittently and will generate additional noise and that the plant would need to demonstrate a maximum noise emission level at least 10dB below background, not 5dB. Additional information from the acoustic engineer also confirms that once the unit is running, it will run continuously and not cut in and out and therefore the relevant noise criteria is 5dB. On this basis Environmental Health consider that the proposed plant is likely to comply with Policy 33 of the City Plan. The proposals will not therefore harm the amenity of neighbouring properties.

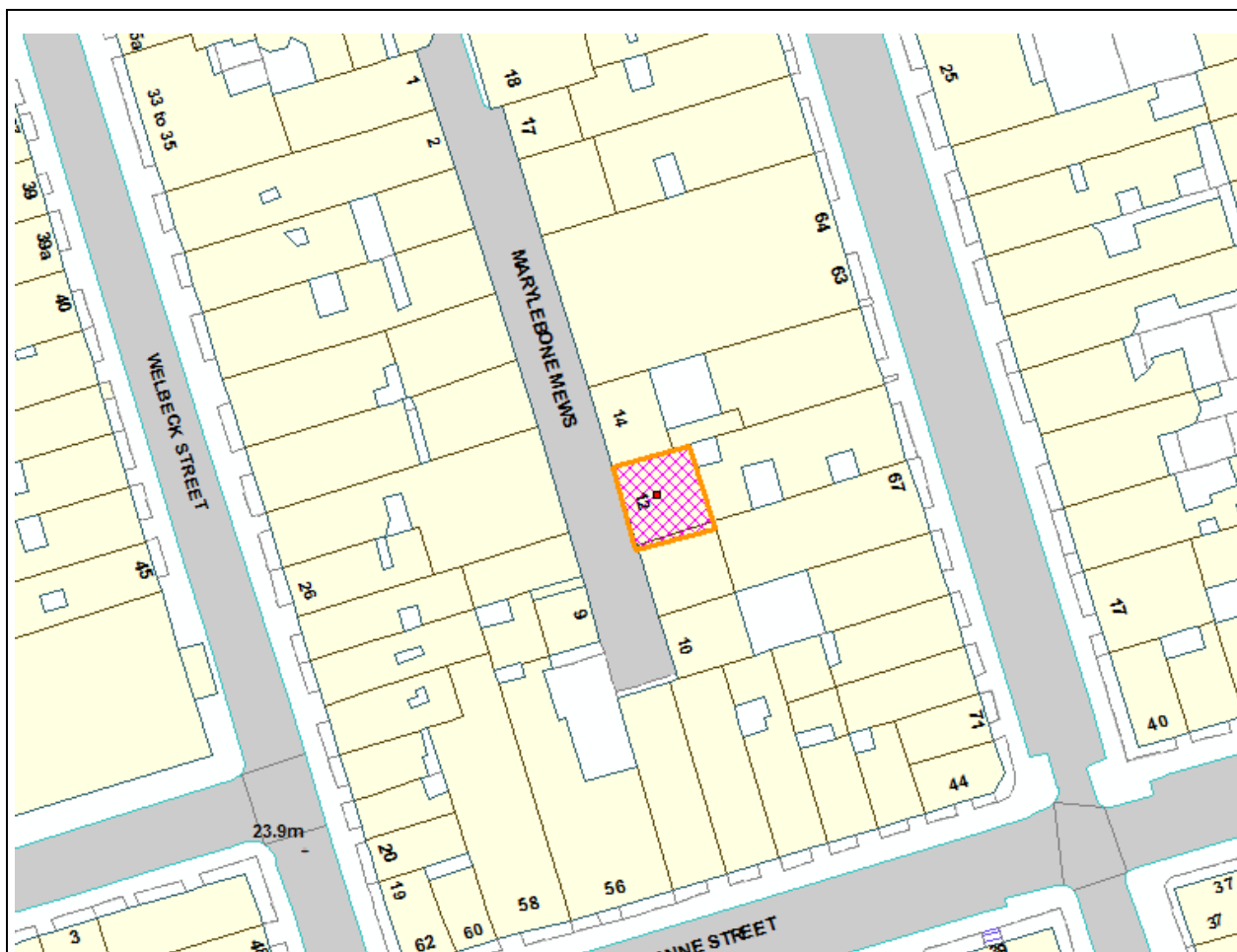
Following receipt of the objections relating to loss of light, the applicant submitted a daylight sunlight report that assesses the impact of the proposal on neighbouring residents, particularly those to the rear of the application site at 66 Wimpole Street. Following a query raised by a resident at 65 Wimpole Street, the applicant provided an amended report to include this neighbouring property. The sunlight/daylight assessment submitted with the application shows that the greatest loss of VSC in this case is 10.87 % to a lightwell window within 66 Wimpole Street. This same window would experience a 3% loss in annual sunlight hours. The advice of the Building Research Establishment (BRE) suggests that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change. This window and all of the other windows within the adjacent residential properties facing towards the application site will therefore comfortably meet the BRE Guidelines in relation to BRE tests.

Objectors also raise concerns regarding the sustainability credentials of the unit, that the unit does not comply with permitted development rights, and the fact that an alternative position within the

lightwell of the site should be investigated. Nevertheless, air source heat pumps are a renewable form of energy and the applicant has confirmed that the pump will be used for both heating and cooling. The unit does not fall within permitted development rights, and this is why an application has been submitted, and as part of this submission the applicant has also provided a detailed plan to clarify that the proposed acoustic enclosure is too large to fit within the lightwell.

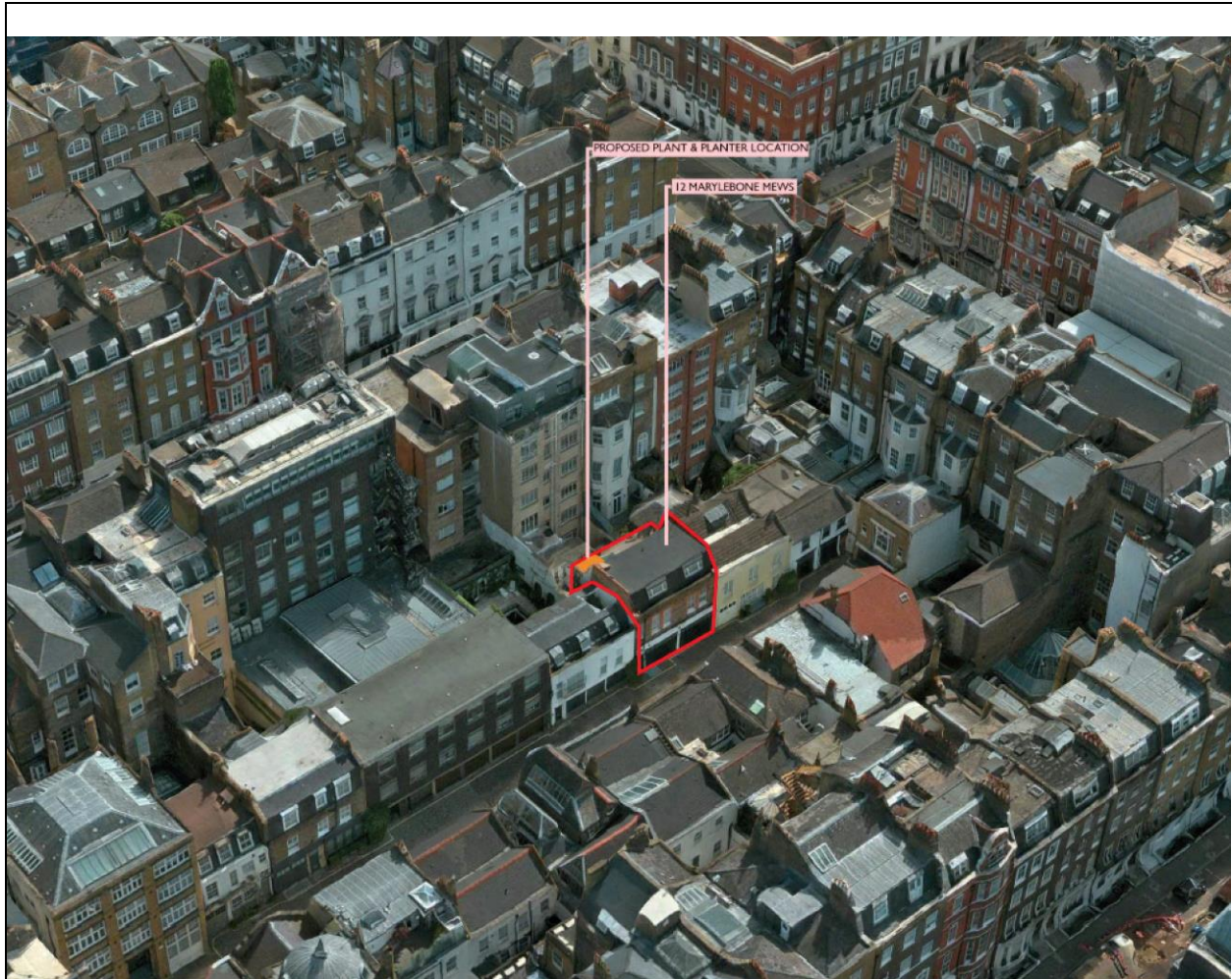
The application is considered to accord with adopted policies in the Westminster City Plan (2019-2040), and accordingly the application is recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS





5. CONSULTATIONS

MARYLEBONE ASSOCIATION

Consider the air source heat pump would result in an obtrusive addition to the rear of the property, and to the detriment of the character of the conservation area.

ENVIRONMENTAL HEALTH:

No objection subject to standard conditions

ADJOINING OWNERS / OCCUPIERS

No. of original consultees: 35

No. Replies: 1 letter of comment (asking for the make and model of the proposed unit) and six letters of objections raising the following issues:

- Concerns regarding noise and vibration;
- Concerns regarding loss of daylight;
- Planter maintenance concerns
- Harm to the appearance of the building and the conservation area

SITE & PRESS NOTICE

Yes

6. BACKGROUND INFORMATION

6.1 Recent Relevant History

In January 2020 an application was granted for alterations to front facade at ground level including replacement of existing garage door with a window and new recessed window openings, creation of a new rear lightwell to create terraces at ground and first floor level, removal of windows at rear first floor level and installation of balustrade, all for use in connection with the single family dwelling (Class C3).

An application was refused, on design grounds, in April 2020 for the installation of a roof light and two air conditioning condensing units, at mansard level within acoustic enclosures, and extension of existing rendered rear wall.

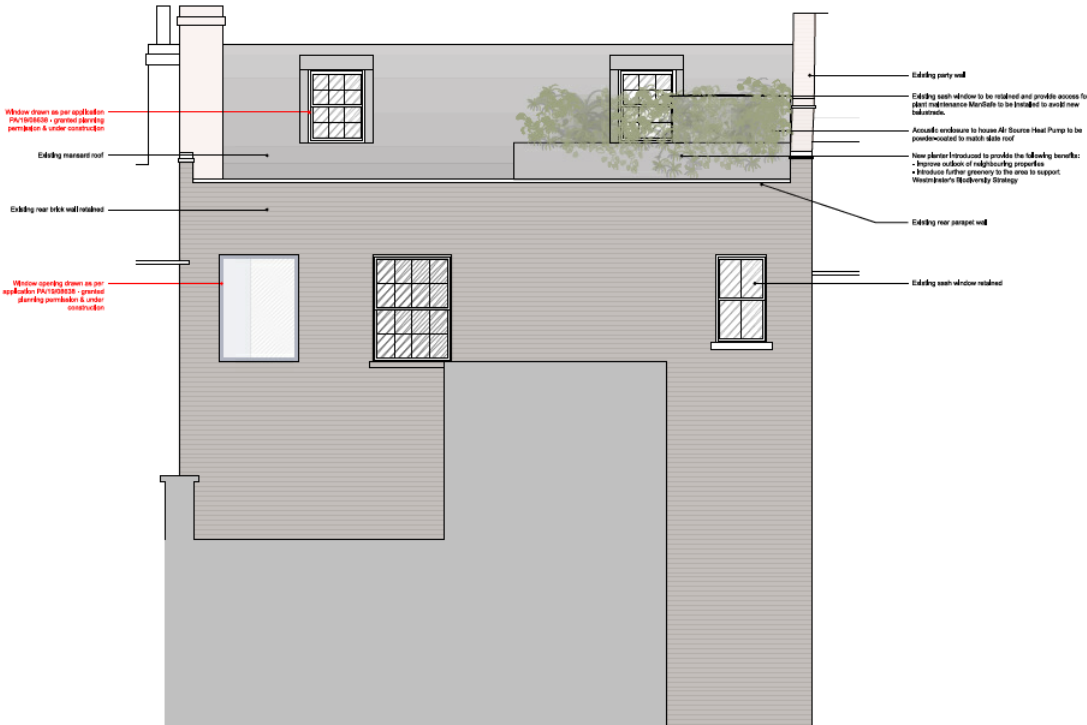
An application was also refused on design grounds in January 2021 for the installation of an acoustic enclosure containing two air conditioning condensers to rear of existing modern mansard roof and replacement window at rear roof level. An informative was included on this decision to recommend the applicant seek to house the plant within the previously consented lightwell.

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

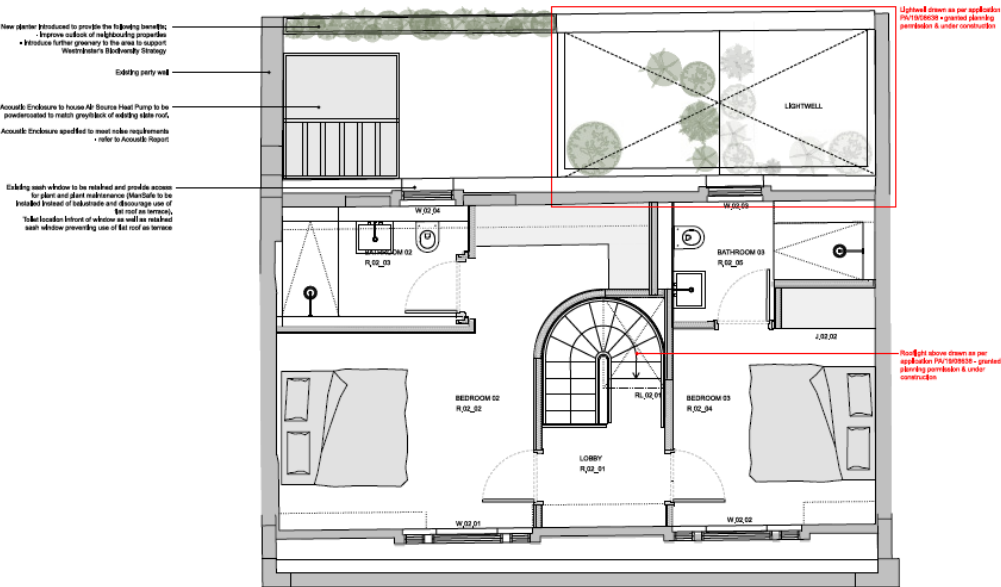
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JO PALMER BY EMAIL AT jpalme@westminster.gov.uk

7. KEY DRAWINGS

Proposed rear elevation



Second Floor Proposed plan



DRAFT DECISION LETTER

Address: 12 Marylebone Mews, London, W1G 8PX

Proposal: Installation of air source heat pump within acoustic enclosure to rear flat roof at second floor level; provision of new planter at second floor level; and associated works

Reference: 21/07283/FULL

Plan Nos: PA3201 REV 05, PA3200 REV 05, PA3101 REV 05, PA3015 REV 05, PA3012 REV 07

Case Officer: Shaun Retzback

Direct Tel. No. 07866 039589

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 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 5 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 in writing 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 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 in writing 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 written 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 minutes) 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.
(C46BC)

Reason:

As set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R46BC)

- 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 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property.
(C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R48AB)

- 6 You must install the acoustic attenuation measures shown on the approved drawings before you use the machinery. You must then maintain the attenuation measures in the form shown for as long as the machinery remains in place. (C13DB)

Reason:

To protect the environment of people in neighbouring properties and to ensure the appearance of the development is suitable and would not harm the appearance of this part of the city. This is in line with Policies 7, 33, 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R13CD)

- 7 Before you operate the heat pump hereby approved, you must install the planter and plants, as shown on the approved drawings. The planters and plants must thereafter be maintained for as long as the machinery remains in place.

Reason:

To protect the environment of people in neighbouring properties and to ensure the appearance of the development is suitable and would not harm the appearance of this part of the city. This is in line with Policies 7, 33, 38 and 40 of the City Plan 2019 - 2040 (April 2021) and to reduce the effect the development has on the biodiversity of the environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021)

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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 Under the Construction (Design and Management) Regulations 2015, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:
 - , * Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;,, *
 - * This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant., ,
 - , * Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm. It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

- 3 Working at height remains one of the biggest causes of fatalities and major injuries. You should carefully consider the following.
 - * Window cleaning - where possible, install windows that can be cleaned safely from within the building.
 - * Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
 - * Lighting - ensure luminaires can be safely accessed for replacement.
 - * Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).

More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/toolbox/height.htm

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

- 4 Conditions 4 & 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)
- 5 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (including date decision and planning reference 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.

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 5 April 2022	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Lancaster Gate	
Subject of Report	14 St Petersburg Place, London, W2 4LB		
Proposal	Erection of a mews building of basement, ground and two upper floors for use ancillary to main dwellinghouse; erection of a rear basement extension to the main house in association with the use of the basement as a studio, ancillary to the main dwellinghouse; installation of air source heat pumps at roof level; installation of replacement windows at ground and first floor levels to the main property and reduction of garden level.		
Agent	31/34 Architects		
On behalf of	Mr & Mrs van Heusde		
Registered Number	20/07873/FULL	Date amended/ completed	20 January 2022
Date Application Received	9 December 2020		
Historic Building Grade	Unlisted		
Conservation Area	Bayswater		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site is a mid-terrace property, located on the east side of St Petersburg Place. The rear boundary of the site fronts St Petersburg Mews. The site is not listed but is located within the Bayswater Conservation Area.

Permission is sought for construction of a mews building of basement, ground and two upper floors (to be used as ancillary accommodation to main property), construction of a basement extension to the main house for use as an ancillary studio apartment with other associated work. The application was originally due to be presented to the Planning Applications Sub-Committee on 21st December 2021, the report was published and members were in receipt of the papers. However, the applicant subsequently withdrew the application from the agenda in order to seek to respond to objectors concerns. Revisions to the detailed design of the top floor of the new mews building have been made, accompanied by revised versions of the sunlight and daylight assessment . Further consultation with neighbours was undertaken.

Objections to the proposals have been received primarily on design and amenity grounds. Concerns have also been raised with respect to noise and disruption during the course of works.

The key issues in the determination of this application are:

- The impact of the new mews building and rear extension upon the character and appearance of the Bayswater Conservation Area;
- The impact of the proposals upon the amenity of neighbouring properties.

For the reasons as set out within this report, the proposals are considered acceptable in land use, conservation, design and amenity terms and the proposals are considered to accord with policies as set out in the City Plan, adopted April 2021.

3. LOCATION PLAN



4. PHOTOGRAPHS

Front Elevation



Rear of application site (where primarily the development is proposed). Site is the one with trellis fencing above the white garage doors

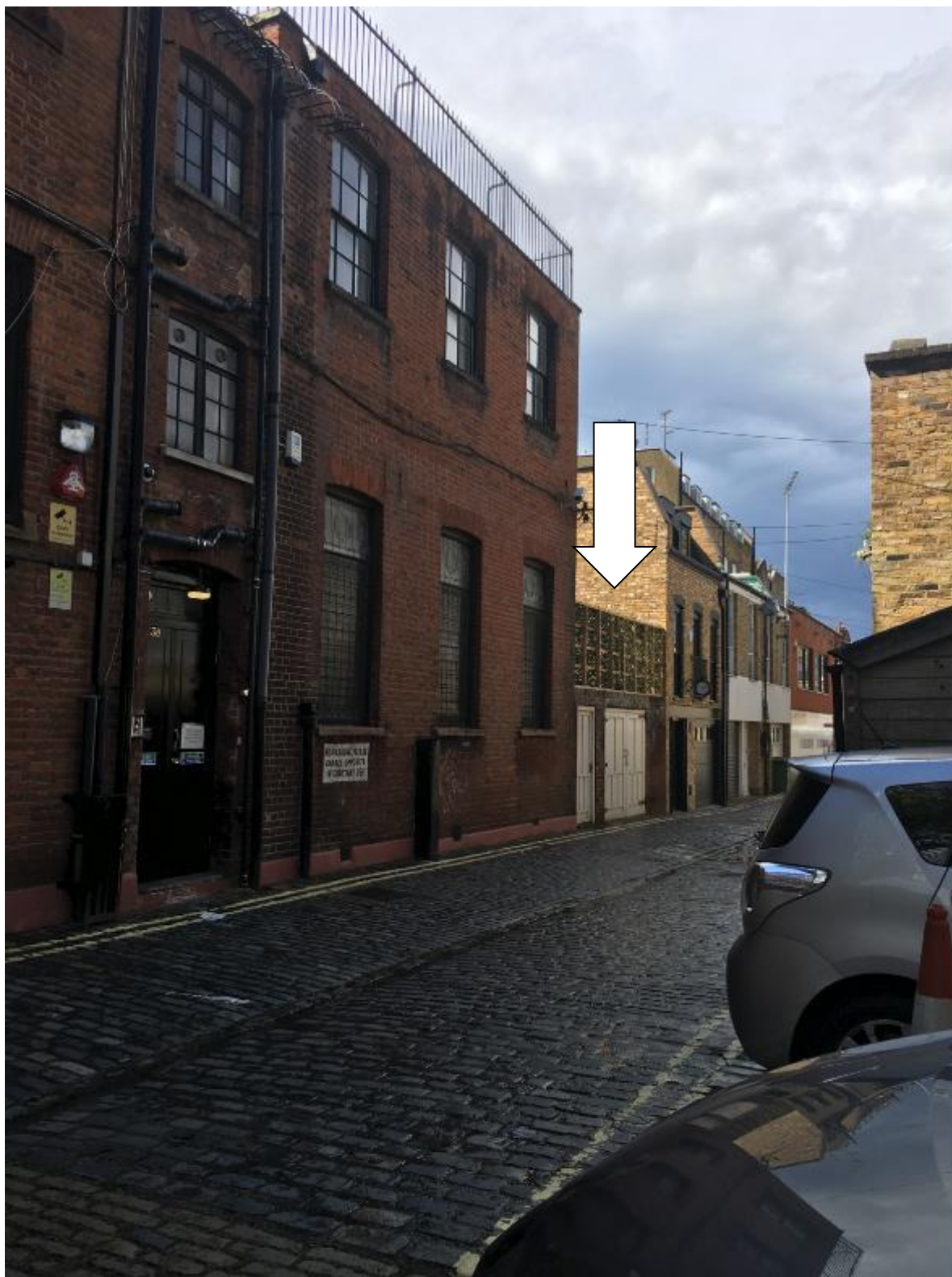


Photo of rear of property and 31 St Petersburg Mews opposite



5. CONSULTATIONS

COUNCILLOR SUSIE BURBRIDGE:

Objection. Support the objections that have been raised by the local amenity society and neighbours.

COUNCILLOR ANDREW SMITH:

Objection. Support the objections that have been raised by the local amenity society and neighbours. Additional comments are made to the proposed height of the mews building as being excessive and design of the mews building which is not in keeping with the character of the area.

HISTORIC ENGLAND:

Confirm they offer no advice.

BAYSWATER RESIDENTS ASSOCIATION:

No objection raised to the principle of the new mews building. However support is given to the objections raised by neighbouring properties to the height of the mews, loss of light proposed and design of mews.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION:

Objection. Support given to the objections received. The proposed height and form does not preserve or enhance the character and appearance of the Bayswater Conservation Area.

ENVIRONMENTAL HEALTH:

No objection to the proposals subject to conditions regarding plant machinery and contaminated land.

BUILDING CONTROL:

No objection made to the proposed method of basement excavation or impact to local flooding. Concern made as to means of access.

HIGHWAYS PLANNING MANAGER:

No objection raised. Cycle parking and waste storage to be conditioned.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 25

Total No. of replies: 12

No. of objections: 7 (some from multiple households)

No. in support: 1

Objections received on some or all of the following grounds:

Land Use:

- The basement to the mews could be used as a separate unit/ rental that is not conducive to family living in the mews;
- Numerous kitchens shown on the drawing indicate more than one family home

Design:

- height is different to other mews in the mews and not in keeping with the area and harmful to the quality of the design of the mews;
- proportions of new mews are offensive;
- a taller synagogue does not mean a mews can be taller than the other mews buildings;
- a taller mews building in this location will allow a precedent to be set for other to increase the height
- detailed design is an eyesore
- white painted brickwork is not consistent with other properties;
- are the bars to the elevation of the mews building artistic license or security bars. If security bars, these are unattractive;
- air source heat pumps would be unsightly from Bark Place properties and should be within an enclosure

Amenity:

- loss of light;
- the sunlight and daylight assessment is not considered sufficient and contains errors/ factually incorrect;
- overshadowing to properties opposite;
- excessive bulk;
- loss of privacy from windows and different floor to ceiling heights;
- Sense of enclosure;
- A roof terrace to the front of the mews would cause overlooking;
- noise from the proposed air source heat pumps

Other:

- Noise and disruption during the course of work;
- Construction access;

One letter of support received on behalf of the Orme Square Residents Association.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

ADDITIONAL CONSULTATION (12 April 2021) AS A RESULT OF THE REDUCTION IN HEIGHT OF MEWS BUILDING & UPDATED SUNLIGHT AND DAYLIGHT ASSESSMENT

ADJOINING OWNERS/OCCUPIERS:

No. Consulted: 25

Not received by neighbours.

ADDITIONAL NEIGHBOUR CONSULTATION LETTERS SENT 30 APRIL 2021

ADJOINING OWNERS/OCCUPIERS:

No. Consulted: 225

Not received by neighbours.

ADDITIONAL NEIGHBOUR CONSULTATION LETTERS SENT 17 MAY 2021

ADJOINING OWNERS/OCCUPIERS:

No. Consulted: 25
Not received by neighbours.

ADDITIONAL NEIGHBOUR CONSULTATION LETTERS SENT 27 MAY 2021

BAYSWATER RESIDENTS ASSOCIATION:

Objection. Support maintained to the objections from neighbours.

BUILDING CONTROL:

No further comments to revisions from a basement/ flooding perspective. Concerns regarding means of access from basement.

ADJOINING OWNERS/OCCUPIERS:

No. Consulted: 25

No. of Objections: 5

No. in Support: 1

Design:

- the revised proposals fail to address any of the previous design concerns raised:
- redesign does nothing to overcome concerns raised
- proposed mews building still too high;
- sheer façade will result in sense of enclosure to the mews;
- design and materials of the mews are poor
- security bars are unattractive;
- air source heat pumps are visually unattractive;

Amenity:

- the revised proposals fail to address any of the previous amenity concerns raised including:
- loss of light;
- loss of privacy;
- overlooking;
- overshadowing;
- the sunlight and daylight assessment is not considered sufficient and contains errors/ factually incorrect;

One letter of support from Orme Square Residents Association

ADDITIONAL NEIGHBOUR CONSULTATION LETTERS SENT 11 AUGUST 2021 AS A RESULT OF A REVISED SUNLIGHT AND DAYLIGHT ASSESSMENT

An administrative error occurred, and some residents were sent 14 day letter and others 21 days. This was rectified with additional letters, described below.

ADDITIONAL NEIGHBOUR CONSULTATION LETTERS SENT 25 AUGUST 2021

Letters sent advising of 21 days to comment.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION:

Objection. Support letter of objection from neighbouring property (copied into response to case officer).

ADJOINING OWNERS/OCCUPIERS:

No. Consulted: 25

No. of Objections:3

No. in Support: 1

Amenity:

The applicant has failed again to accurately represent neighbouring properties in the sunlight and daylight assessment.

Two objections repeat previous objections to the proposals as the objections raised initially have not been addressed.

One letter of support from Orme Square Residents Association

COMMENTS RECEIVED AFTER PUBLICATION OF THE COMMITTEE REPORT FOR COMMITTEE 21 DECEMBER 2021:

Total No. Comments received:3 objections

Comments made on the following grounds:

- Committee report is inaccurate and references that the proposed roof follows the established roof profile;
- Whilst the ultimate height of the buildings may be broadly similar, it is the *profile*, not the uppermost height which is the issue when considering the impact and scale (i) from street level and (ii) on light and shadowing experienced at the first-floor windows of the buildings opposite.
- Inaccurate representation in the report as to the height of the parapet of the new mews building assessed against neighbouring buildings.
- With regards to the daylight and sunlight assessment there are inconsistencies in report with particular reference to the visual guide of overshadowing; the shadowing patterns is wrong; no methodology given for the report; lack of qualification for report writer.
- Relevant City Plan, design policies brought to the attention of officers
- The applicant has made no attempt to contact objectors.

ADDITIONAL NEIGHBOUR CONSULTATION LETTERS SENT 20 JANUARY 2022

Letters sent to neighbours advising of the changes to the design of the top floor of the proposed mews building incorporating a mansard style roof covering the full width of the building below, omission of the planter/ flat roof; and that an updated sunlight and daylight assessment had been submitted.

BAYSWATER RESIDENTS ASSOCIATION:

Any response to be reported verbally.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION:

Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS:

No. Consulted: 25

No. of Objections: 5 (2 from 1 household, and a further 2 from another household)

No. in Support: 1

One letter from Orme Square Residents Association with a 'no objection' to the revised proposals.

Two letters, one of objection and one raising questions (from neighbours who've objected previously to the scheme) on the revisions:

- An objection to the height is still maintained;
- The mansard of the mews is higher than the neighbouring property;
- Are the party walls being raised to No. 16?;
- Are the drawings of NO.16 accurate;
- Use of white bricks is unacceptable;
- Daylight distribution assessment has not been done on 31 St Petersburg Mews;
- Reiteration of concern regarding the number of times the applicant has revised the development and the Council's receiving of these objections.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is a mid-terrace property, located on the west side of St Petersburg Place. The rear boundary of the site fronts St Petersburg Mews. The site is not listed but is located within the Bayswater Conservation Area.

6.2 Recent Relevant History

14 St Petersburg Place (Application Site) - None relevant to the application site.

16 St Petersburg Place – 17/10491/FULL & 18/03201/FULL

Erection of a mews building in the rear garden of 16 St Petersburg Place fronting St Petersburg Mews comprising basement, ground and two upper storeys. Replacement of front windows, alterations to the windows on the rear elevation, erection of rear extension at lower ground and ground floor levels, lowering of the rear garden level. Permission granted 25 September 2018, and complete.

18 St Petersburg Place – 16/10334/FULL

Demolition of existing mews building at 32 St Petersburg Mews and construction of new mews building with link extension to 18 St Petersburg Place. Excavation of basement beneath 18 St Petersburg Place and part of the rear courtyard garden with associated landscaping plus associated alterations to rear façade of 18 St Petersburg Place. Permission granted 25 April 2017.

7. THE PROPOSAL

Permission is sought for the construction of a mews building of basement, ground and two upper floors with a green roof (to be used as ancillary accommodation to the main property), construction of a rear basement extension to the main house in association with the use of the basement as an ancillary studio apartment; installation of air source

heat pumps at roof level; replacement of ground and first floor windows to the main property with double glazed sash windows and reduction of the garden level by 1.2m to align with the existing main house internal basement level.

Amendments/Changes in policy during the application

A reduction in the height of the proposed new mews building was made during the course of the application to align the main parapet line with the neighbouring mansard roof of 16 St Petersburg Place. In addition, it was considered that the sunlight and daylight assessment submitted was not sufficient enough and this was revised. Neighbouring residents were consulted on these revisions.

As a point to note a number of rounds of consultation were undertaken to address the revisions and revised documents, as well as to address queries over receipt of consultation letters and period of time for making representations. This has all been rectified but through a lengthy and often confusing procedure given the different reports to the case officer.

The proposals were originally due to be considered by the Planning Applications Sub-Committee on 21 December 2021, with a favourable officer recommendation. Prior to the committee meeting but after the publication of the report, the applicant requested the withdrawal of the application from the agenda to allow them time to seek to address the objectors concerns.. The application has now been revised again. The roof form of the proposed new mews building has been revised to a more traditional mansard style design, similar to neighbouring properties and in order to seek to address neighbours requests. The sunlight and daylight assessment has been revised also taking into consideration the new roof design, but also because it incorrectly showed windows to the rear of 16 St Petersburg Place and hadn't carried out a daylight distribution analysis for 31 St Petersburg Mews. These issues have now been rectified.

During the course of the determination of this application, the City Council's has adopted its new City Plan 2019-2040 on 21 April 2021, which has now replaced the UDP and 2016 City Plan policies. Therefore, this application has been assessed in the light of these new development plan policies.

The Government on 20 July 2021 published the latest National Planning Policy Framework (NPPF) and this is a material consideration determining planning applications. This application has been reviewed in the light of this new guidance and the application is in accordance with the NPPF.

8. DETAILED CONSIDERATIONS

8.1 Land Use

A new mews property is proposed to the rear of the main building (89.5m²). This building and the basement (as proposed to be extended) of the main dwelling will provide ancillary accommodation to the main dwelling at 14 St Petersburg Place. The mews building will comprise basement, ground, first and second floor levels. At ground floor level there is an internal access route from the mews to the rear courtyard garden,

but there is no direct access from the ground or basement floor internal accommodation of the property to the courtyard, given the difference in floor levels.

As this is ancillary accommodation, this is acceptable and the extensions to provide additional floorspace in the form of a mews property is supported by policy 8 and 12 of the City Plan.

An objection has been received on the grounds that the basement of the main dwelling property could be used as a separate dwelling as there is no staircase linking the upper floors. This basement is also considered ancillary to the main dwelling/ mews building. Whilst this arrangement is unusual, this is not a reason in itself to withhold permission. In addition, should the applicant use this as a separate unit then planning permission would be required.

As ancillary accommodation, the additional floorspace and standard of accommodation proposed cannot be afforded as significant weight as if it were a separate residential house. However, the proposed accommodation looks to be sufficient in terms of its floor area, room proportionality and outlook.

8.2 Townscape and Design

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that *"In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy 39K of the City Plan 2019-2040 requires development to preserve or enhance the character and appearance of Westminster's conservation areas. Features that contribute positively to the significance of conservation areas and their settings will be conserved and opportunities taken to enhance conservation areas and their settings, wherever possible.

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

The relevant policies for consideration are 34, 36, 38, 39, 40 and 45 of the City Plan 2019-2040.

The objections received primarily relate to the scale and detailed design of the mews building proposed to the rear of the site fronting St Petersburg Mews. Whilst many say there is no in principle objection to a new mews building; the height, materials and scale of the fenestration are considered to be out of keeping with the mews and harmful to the character and appearance of the conservation area. As previously noted in the report the height of the top floor of the mews building was amended, with the main front wall

parapet proposed to align with the neighbouring mews building. The roof form additionally has now been amended to reflect a more traditional mansard frontage rather than a sheer top floor. The height of the front part of the mansard roof, is marginally higher than the mansard at 16 St Petersburg Mews. The set back part of the roof of the proposed mansard is also marginally higher than the neighbouring property.

In design and townscape terms the principle of erecting a mews building at the end of the garden of 14 St Petersburg Place is not considered to be contentious. The proposed building will complete the mews on this side of the street and remedy the harmful 'missing tooth' effect that exists in the mews at present. With regards to its footprint the mews aligns with the front and rear built lines of the neighbouring mews building, which accord with the aims of policies 38 and 40 of the City Plan.

One of the objections queries whether 16 St Petersburg Mews has been accurately drawn, in comparison to what was approved and what has been built and how that impacts the 'base-line' for what is proposed. They contend that the 'as built' mews building at 16 St Petersburg Mews is higher than that approved and should therefore not be used as the starting point for the height of the proposed mews building. They go on to note that the proposed mews building will be approximately 0.58 m higher than what was approved at 16 St Petersburg Mews.

The question of whether or not the mews building at 16 St Petersburg Mews is higher than what was approved is a matter for the Council's Planning Enforcement Team. Officers are satisfied that the drawings accurately show what has been built on-site. Notwithstanding this, and were the mews building at 16 St Petersburg Mews higher than what was approved, it is consistent with the prevailing building height on the western side of St Petersburg Mews.

As amended, the height of the proposed mews building is not significantly taller than 16 St Petersburg Mews or the prevailing building height on the west side of St Petersburg Mews. It also forms an appropriate transition between the mews buildings on this side of St Petersburg Mews and the significantly taller synagogue and communal centre to the immediate south of the application site. Although slightly taller than the mews buildings, it is not jarringly so given this context.

The applicant has also provided contextual elevations to show that the proposed height is as a result of the street gently sloping upwards which therefore has a slight knock-on effect to ground floor level and heights of floor levels upwards. This is in addition to the fact that the roof also accommodates a green roof. It is felt that the objections with regards to the building's height have been addressed and the overall height of the proposed mews building will not be harmful. Given this context and the benefits of greening, the proposed height change is considered to be acceptable and in accordance with policies 34, 38 and 40 of the City Plan.

As recognised within the public comments the buildings within the mews are of differing designs, having been built at different times. St Petersburg Mews is not a historical mews in that it contained stabling for horses which has developed into residential accommodation; historic maps show it was an access route to which gardens backed onto and the buildings were erected over time. This is considered to form part of the character of the mews, which positively contributes to the character and appearance of

the conservation area. During the latest revisions, the roof form has been designed to reflect a more traditional style mansard with a very marginal sloping roof (going backwards to main house), two dormers, albeit modern and finished in grey metal cladding. The detailed design of the proposed building does depart from the traditional norm. However, it does reference the neighbouring buildings through its horizontal proportions, the strong lintel above the ground floor and the fenestration at ground floor level. Whilst the primary material also departs in that it is white, it is brick and will retain a masonry palette as its primary material. Policy 38A of the City Plan requires new development to incorporate exemplary standards of high quality, sustainable and inclusive urban design and architecture befitting Westminster's world-class status, environment and heritage and its diverse range of locally distinctive neighbourhoods. Given the mews developed overtime, it is considered to be an appropriate location for high quality architecture of its time and therefore infilling the mews with a contemporary building is considered to contribute positively to the character and appearance of this part of the conservation area as well as according with the identified policies.

In considering the impact of a basement beneath the mews building, parts A 3-4 of policy 45 of the City Plan state that basement developments should protect heritage assets and conserve the character and appearance of the building and its garden setting. As there are no external manifestations of the basement proposed other than the high-level windows to the rear of the basement accommodation, the basement is not considered to raise any design or heritage concerns and is therefore in accordance with policy 45.

To the main house it is proposed to erect a single storey rear extension at lower ground floor level, measuring 1.95m deep, replace the fenestration at ground floor level introducing doors onto a terrace and to replace the windows at first floor level. The lower ground rear extension is comparable in scale and form to the extension permitted at the neighbouring site, with a large amount of glazing on the rear elevation and a flat roof forming a terrace to the ground floor level. The form and scale of the extension is considered to be appropriate, not visually detracting from the host building and being of a sympathetic detailed design. Similarly, the insertion of doors and the creation of a terrace at ground floor level is not contentious in design terms as this alteration is common along the rear of St Petersburg Place. The replacement of the windows at first floor level, of a like for like design, is acceptable. The works to the principal building are in accordance with policies 38, 39 and 40 of the City Plan and will preserve the character and appearance of the conservation area.

On the roof of the main building two air source heat pumps are proposed. They have been located within the centre of the plan adjacent to the party wall upstand. Whilst they will result in additional bulk at roof level, they have been sited to reduce visibility and they will only be fully appreciated in a limited number of private views. This point has been objected to by residents in Bark Place who will see these from upper levels of their properties. Policy 36 of the City Plan seeks to maximise the use of low carbon energy sources to minimise the effects of climate change. Air source heat pumps are a renewable energy source and therefore, when balanced with benefits of renewable energy and the requirements of policy 36, the location of the pumps is acceptable in design terms.

Overall, the proposed development would preserve the setting of the Grade 1 listed New

West End Synagogue and the character and appearance of the Bayswater Conservation Area. As such, the proposal is considered acceptable, mindful of policies 34, 36, 38, 39, 40 and 45 of the City Plan; and therefore, a recommendation to grant conditional permission would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8.3 Residential Amenity

Development that could result in a change to the amenity of neighbouring residents such as that of the proposals here must be found to be in accordance with policy 7 of the City Plan. The policy seeks to prevent unacceptable impacts in terms of losses of daylight and sunlight, privacy and increases in sense of enclosure and overshadowing. Policy 33 of the City Plan is also relevant which seeks to make sure that the quality of life and health and wellbeing of existing and future occupiers is maintained.

Rear basement extension to main building

The proposed rear extension to the main building raises no amenity concerns, given it is at basement level, measures 1.95m in depth and is contained wholly within the boundary walls of the application site.

Mews building

Sunlight and Daylight

Objections to the proposals have been made on the grounds that the height of the mews, will result in loss of light, notably to the property directly opposite, 31 St Petersburg Mews. It has also been raised that the sunlight and daylight assessment was not carried out using the Vertical Sky Component (VSC) method, therefore not in accordance with BRE Guidance; is inaccurate and did not accurately represent specific properties in the assessment.

The sunlight and daylight assessment which was previously revised and carried out in accordance with BRE guidance, and neighbours notified of the revision. Objectors maintain that it does not contain section diagrams for the assessment, that the design quality and clarity is poor and that the facades of the buildings are shown in strong blue apparently demonstrating overshadowing of the façade in a shade of lighter blue, which serve to make it unclear and frustrate the reader. The accuracy of the data is also questioned. The objector does not believe that their windows can only lose 1% of their annual probable sunlight when a taller building is constructed at a distance of only 5m away.

The sunlight and daylight assessment has been further revised to reflect the latest set of design revisions which now propose a more traditional style mansard roof that spans the full width of the proposed mews building rather than incorporating a set back from the northern elevation to accommodate a planter. The objector opposite the site questioned why the daylight distribution test was not carried out on their property. This has now been done.

To clarify, the existing rear boundary wall to the site, fronting St Petersburg Mews

measures 3.6m in height. The proposed mews building to the parapet line measures 7.1m (7.5m to rear part of roof), some 3.5m/ 3.9m taller.

As noted above, the applicant has submitted an assessment of the impact of the development on daylight and sunlight received by surrounding properties, in accordance with Building Research Establishment (BRE) publication "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice" 2011 ("the BRE Guide"). The assessment considers the impact of the development on the vertical sky component (VSC) and No skyline (daylight distribution) where room layouts are known. 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.

The latest assessment which seeks to address objections raised (qualification of the author, the misrepresentation of overshadowing and the methodology of the report) considers the impact of the development on the amount of light received by 16 St Petersburg Place and 29, 31 and 33 St Petersburg Mews. All other properties are considered too far from the application site to experience material light loss.

The sunlight and daylight assessment demonstrates that in general, properties assessed would, even though there are some minor losses, comply in full with the BRE guidance. This is with the exception of 16 St Petersburg Place where some losses occur to the lower ground and ground floor rear elevation windows in terms of daylight distribution only (the proposals show compliance with regards to VSC and sunlight).

The table below shows the result of the daylight distribution assessment:

Table 1:

Window	Existing DD data %	Proposed DD data %	Ratio of Proposed to Existing
LG Window 1	30	13	0.43
GF Window 2	86	48	0.56

The approved under application RN: 18/100078/FULL for 16 St Petersburg Mews, show that the lower ground floor is served by a set of double sliding doors serving a living area and leading out onto the courtyard garden. One large opening with three sliding doors at ground floor serves a kitchen/diner. The lower ground floor doors are adjacent to the elevated walkway between the main house and the mews house as

approved and built under application RN: 18/10078/FULL which is closer to the windows than say the boundary wall with No. 14.

Whilst the ground floor window experiences losses over and above the BRE guidance, this is only marginally so. The ground floor of this property is deep and whilst typically this would be dual lit, the 2018 permission allowed a full height wall to the front of the floorplan to allow for a cloakroom so in effect the rear room to which the losses occur are single aspect. Section 2.210 of the BRE guide states that 'if an existing building contains rooms lit from one side only and greater than 5m deep, then a greater movement of the no sky-line may be unavoidable'. The guidance also states that the numerical guidelines, should be interpreted flexibly, since natural lighting is only one of many factors in site layout design". Given the window still receives sufficient light in terms of VSC and sunlight, whilst regrettable it is not considered that a reason for refusal could be upheld on this basis.

The lower ground floor living area will receive a more noticeable reduction in numerical terms however given the close proximity of the raised walkway on the boundary with No.14 and this needs to be factored into the results. Again, given the window still receives sufficient light in terms of VSC and sunlight, whilst regrettable it is not considered that a reason for refusal could be upheld on this basis.

For clarity, and given the extensive objections from the neighbour at 31 St Petersburg Mews, the results tables/ data for their property are set out below.

31 St Petersburg Mews: VSC

Window	Existing VSC data %	Proposed VSC data %	Ratio of Proposed to Existing
GF Window 9 (obscured glazed window)	17.0	15.4	0.91
GF Window 10 (obscure glazed door pane)	16.7	14.8	0.89
GF Window 11 (obscure glazed door pane)	16.6	14.6	0.88
Gf Window 12 (high level obscure glazed window to 'garage' living doors)	16.6	14.6	0.88
GF Window 13 (high level obscure glazed window to 'garage' living doors)	15.9	13.9	0.87
FF Window 14 (1 st of 3 windows to living area)	23	22.7	0.99
FF Window 15 (2 nd of 3 windows to living area)	24.5	24.5	1
FF Window 16 (3 rd of 3 windows to living area)	21.9	21.6	0.99

31 St Peterburgh Mews: Daylight Distribution

Window	Existing DD %	Proposed DD %	Ration of Proposed to Existing
GF Window 9 to 11 (obscured glazed window and entrance door)	71	53	0.75
GF Window 12-13 (high level obscure glazed windows to 'garage' living doors)	59	38	0.64
FF Window 14-16 (3 living room windows)	96	96	1.0

31 St Petersburg Mews: Sunlight Annual Probable Sunlight Hours

Window	Existing Annual APSH %	Proposed Annual APSH %	Ration of Proposed to Existing	Existing Winters APSH %	Proposed Winter APSH %	Ratio of Proposed to Existing
GF Window 11 (obscured glazed window)	25	22	0.88	4	4	1.0
GF Window 12 (obscure glazed door pane)	25	21	0.84	5	5	1.0
GF Window 13 (obscure glazed door pane)	25	22	0.88	5	5	1.0
Gf Window 14 (high level obscure glazed window to 'garage' living doors)	23	20	0.87	5	5	1.0
GF Window 15 (high level obscure glazed window to 'garage' living doors)	21	19	0.9	5	5	1.0
FF Window 16 (1 st of 3 windows to living area)	35	32	0.91	7	7	1.0
FF Window 17 (2 nd of 3 windows to	33	33	1.0	7	7	1.0

living area)						
FF Window (3 rd of 3 windows to living area)	31	29	0.94	6	6	1.0

The assessment shows that all windows within 31 St Petersburg Mews would comply in terms of VSC and sunlight and within the tolerances of the BRE guidelines. Whilst the assessment demonstrates that there are some losses to daylight distribution to the ground floor windows, these windows serve a small hallway window, a front door with glazed panels and high level glazing to the 'living area' garage doors. All of the ground floor windows are obscured glazed/ or have a film applied to them. It is for this reasons that officers consider the impact on daylight distribution to be minimal.

It should also be noted that the BRE Guide itself states that its guidelines are intended to be applied flexibly as light levels to neighbouring properties are only one of many factors to be considered when assessing site layout. In this instance, the rear part of the application site is an anomaly in this part of the street scene, being the only plot that does not have a Mews style building. The erection of a Mews style building would bring consistency to the streetscene in this location and remove the somewhat jarring "missing tooth" effect that exists at present. It is presumably for this reason that many of the objectors state that they have no objection to the principle of erecting a mews building in this location. The erection of any building of a scale consistent with that of the other Mews buildings on this side of St Petersburg Mews will result in light losses to neighbouring properties (albeit minor light loss as has been demonstrated), but this is considered outweighed by the improvement to the character and appearance of the streetscene that it would bring. Given this, the proposal would not result in unacceptable loss of light or sunlight to neighbouring properties and is therefore acceptable.

Sense of Enclosure

With regards to sense of enclosure, whilst it is acknowledged that to the centre of the roof of the mews, the mews building is marginally higher than the neighbours, the proposed building and the parapet line would repeat a pattern of development that is commonplace along St Petersburg Mews and between properties facing St Petersburg Place and Bark Place and backing onto properties in St Petersburg Mews. The proposed mews building would be separated from properties opposite by the width of St Petersburg Mews, some 5.3m. Accordingly, the proposed development would not result in a significant and unacceptable increase in sense of enclosure.

Privacy

Objections have been received on the grounds that the proposed mews building would result in overlooking to the properties opposite, notably 31 St Petersburg Mews but also to Bark Place, some 20m away. Whilst there would be new windows directly opposite this property at ground, first and second floor levels, again this would repeat the pattern of development that is found with St Petersburg Mews and it is not considered that any overlooking that may occur would be so harmful so as to warrant refusal.

The windows to the rear of the mews building are to be obscure glazed and so would

offer no view backwards to the neighbouring property at 16 Petersburg Place.

8.4 Transportation/Parking

Whilst there are doors in the rear boundary wall of the site to St Petersburg Mews these are very narrow and lead to the rear open courtyard. There is also a drop in levels from the mews to the rear courtyard and therefore it is not considered that this is off-street car parking. The siting of a new mews building therefore does not result in the loss of off-street parking.

Comments have been made that cycle parking should be provided. Given the proposals are for an extension to an existing dwellinghouse, it is acceptable that cycle storage be provided within the courtyard and this is shown on the basement plans under the staircase.

8.5 Economic Considerations

No economic considerations are applicable for a development of this size

8.6 Access

The proposed mews building has level access from the mews. It does not have level access to the remainder of the main property. However, as this is ancillary accommodation to the main property this is not a reasonable request and would require significant alterations to the rear courtyard.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Noise from Plant and Machinery

Air source heat pumps are proposed at roof level of the main property. Environmental Health officers have assessed the acoustic report submitted with the application and consider these to be acceptable in noise terms and compliant with City Council policy. The Council's standard noise conditions are recommended

8.7.2 Refuse /Recycling

The proposals are for extensions to an existing residential dwelling where there are existing waste/ refuse arrangements. It is therefore not reasonable to request any further details.

8.7.3 Trees

There are some climbing planters and small trees within the rear courtyard that will be lost as part of the proposals. Given their immaturity, their retention would be unreasonable.

8.7.4 Biodiversity

A green roof is proposed to the roof of the Mews house. This is welcomed. This will be conditioned.

8.7.5 Sustainability

The applicant has provided a sustainability statement to demonstrate the proposals compliance with Policy 38 of the City Plan and the guidance within the newly published Environment SPD.

Energy efficiency:

Although the Code for Sustainable Homes was removed under the Deregulation Bill 2015 (March 2015), the house has been designed with the same 'fabric-first' principles with which the architect has previously achieved high levels of accredited sustainability. This approach involves maximising the performance of the components and materials that make up the building fabric itself, before considering the use of mechanical or electrical building services systems. This can help improve energy efficiency and reduce carbon emissions it can also reduce the need for maintenance during the building's life. Designing to 'fabric first' includes methods such as:

- Highly insulated building fabric.
- Using the thermal mass of the building fabric.
- Maximising air-tightness.
- Optimising solar gain through the provision of openings and shading.
- Optimising natural ventilation.

Materials:

The materials proposed seek to provide a suitable level of texture and tone that is commensurate with parts of the local context of the site while also minimising the embodied carbon of the building. The strategy is to minimise the use of materials with high embodied carbon such as concrete. Other materials such as brick will provide a high level of durability and contextual reference, whilst also offering the potential for future re-use.

Plan Flexibility:

The layout enables the opportunity of flexibility in the function of each space, benefitting from dual aspect windows where possible and providing good levels of natural daylight.

Green roofs:

The proposal includes a green roof which assists in water attenuation, slowing the passage of water to public drainage systems. This is a sedum roof by Bauder (XF301 vegetation blanket) which comprises of 11 species of sedum grasses and mosses.

Sustainable Technology:

Two air-source heat pumps provide heating and hot water to the main house and mews dwelling.

Sustainable drainage:

The hard paved areas will be laid as permeable paving. Garden areas are left un-paved wherever possible. The new mews dwelling occupies a space which is currently entirely hard paved. The inclusion of a green roof will improve this current situation through slowing down the passage of rainwater to the public drains.

Ecology/Wildlife:

Wildlife would be encouraged through planting areas in the front and rear gardens and the selected green roof.

8.8 Westminster City Plan

The City Plan 2019 - 2040 was adopted at Full Council on 21 April 2021. Therefore, in accordance with s.38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan adopted in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 8.9). As set out in s.38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

8.9 Neighbourhood Plans

There is no neighbourhood plan for Bayswater.

8.10 London Plan

This application raises no strategic issues.

8.11 National Policy/Guidance Considerations

The City Plan 2019 - 2040 (April 2021) policies referred to in the consideration of this application are considered to be consistent with the NPPF 2019 unless stated otherwise.

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

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development and to secure contaminated land investigations. 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.

The proposals are not CIL liable.

8.13 Environmental Impact Assessment

The proposals are not of a scale to require an EIA.

8.14 Other Issues

8.14.1 Basement

A basement is proposed to the rear of the site and will be sited solely under the proposed mews property.

Policy 45 of the City Plan refers to basement development. Part A states that basement developments should 1) incorporate measures recommended in the structural statement or flood risk assessment to safeguard structural stability, and address surface water and sewerage flooding; 2) be designed and constructed to minimise the impact at construction and occupation stages on the surrounding area; 3) protect heritage assets, and in the case of listed buildings, not unbalance the building's original hierarchy of spaces where this contributes to its significance; and 4) conserve the character and appearance of the existing building, garden setting and the surrounding area, ensuring lightwells, plant, vents, skylights and means of escape are sensitively designed and discreetly located.

The site is not within a surface water flooding hotspot, although a flood risk assessment has been submitted. It identifies that the site is within Flood Zone 1 (Environment Agency) and is therefore at low risk of flooding. The construction of the extended basement, as detailed in the structural methodology statement has been assessed and is considered acceptable by the Council's Building Control Officer. To be noted, the structural method is approved for information only at this stage. The only external manifestation of the basement is a high-level window to the rear elevation, facing to within the courtyard of the application site. Designed within this modern mews the proposals are considered acceptable in conservation and design terms. The proposals comply with part A of the policy.

Part B of the policy states that basement developments will be supported where they: 1) do not extend beneath more than 50% of the garden land; 2) leave a margin of undeveloped garden land proportionate to the scale of the development and the size of the garden around the entire site boundary; 3) not comprise more than one storey beneath the lowest original floor level - exceptions may be made on large sites with high levels of accessibility for construction; 4) provide a minimum of one metre of soil depth (plus minimum 200mm drainage layer) and adequate overall soil volume above the top cover of the basement; and 5). not encroach more than 1.8m under any part of the adjacent highway and retain a minimum vertical depth below the footway or carriageway of 900mm between the highway surface and vault structure.

The basement is wholly under the footprint of the new mews building, which does not occupy more than the half of the garden land, in this instance the existing rear courtyard. Parts 3 and 4 of the policy are not relevant. The proposal complies wholly with Part B.

8.14.2 Noise and Disruption During Works

Objections have been received on the ground of noise and disruption during the course of works. The applicant has submitted a draft Appendix A indicating that they are to sign up to the Council's Code of Construction Practice. The CoCP has been set up to help reduce the impact of developments on neighbouring occupiers and provides the council with funding to help to inspect construction sites and address issues should they arise. The applicant has agreed to the pre-commencement condition that will secure sign up to the CoCP.

In addition, a condition is recommended to protect the amenity of the surrounding area by ensuring that core working hours are kept to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturday. The condition states that noisy work must not take place outside these hours except as may be exceptionally agreed by other regulatory regimes such as the police, by the highway's authority or by the local authority under the Control of Pollution Act 1974. An informative is also recommended to advise the applicant to join the considerate constructor's scheme. Through the use of the above conditions and informative, it is considered that the impact of the development on surrounding occupiers is being suitably controlled and mitigated as far as practicable under planning legislation

8.14.3 Contact with Neighbours

An objector queried why the applicant has not approached the neighbours within the mews to discuss the application and their objections. Whilst this is regrettable and neighbours engagement is strongly encouraged, the applicant is not obliged to do this under planning law and therefore permission could not reasonably be withheld on the basis of the objections made on this ground.

(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: NATHAN BARRETT BY EMAIL AT nbarrett@westminster.gov.uk

9. KEY DRAWINGS

Existing Mews elevation



Proposed Mews elevation



Proposed Street Elevation



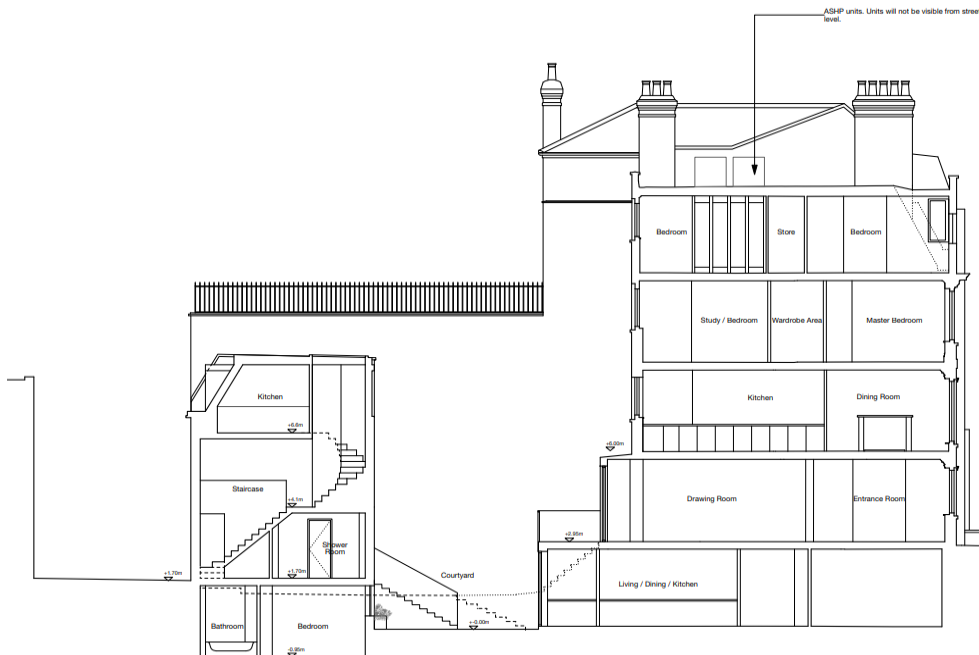
Proposed rear of mews elevation



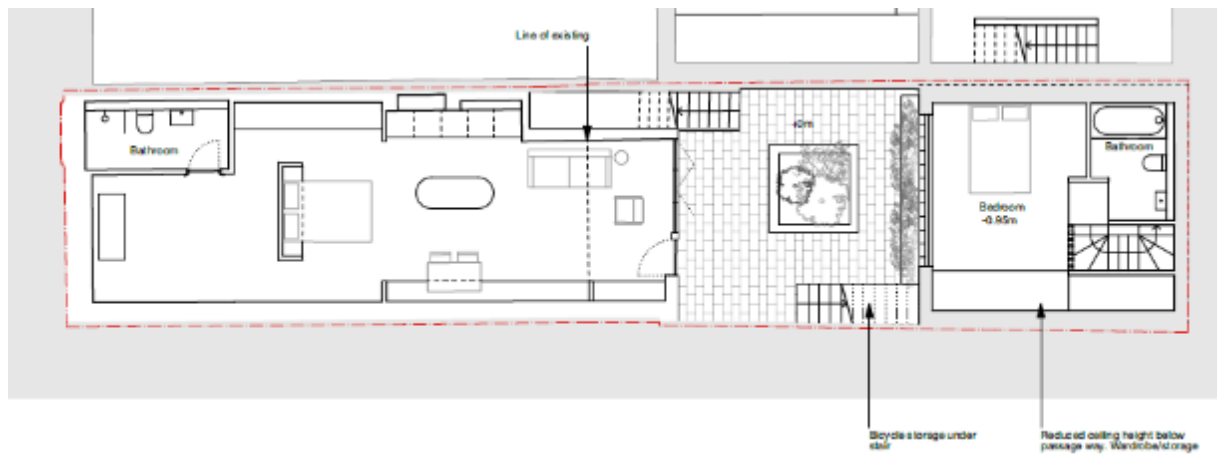
Existing Section



Proposed Section



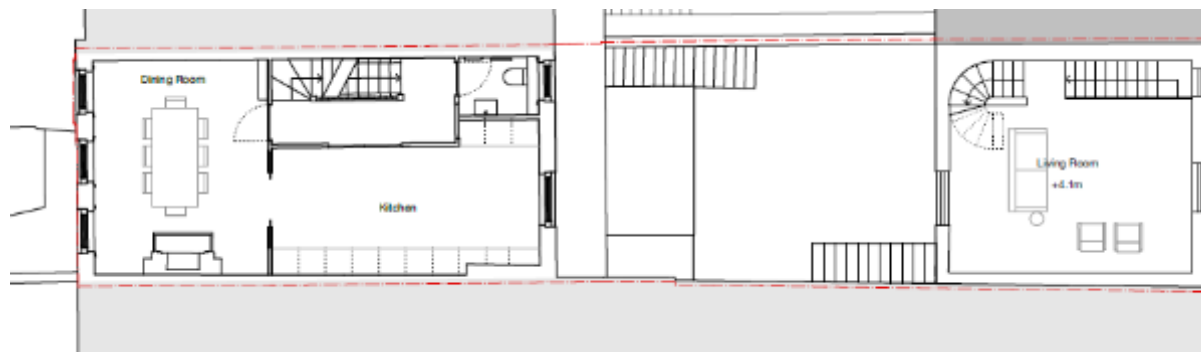
Proposed Basement Floor Plan



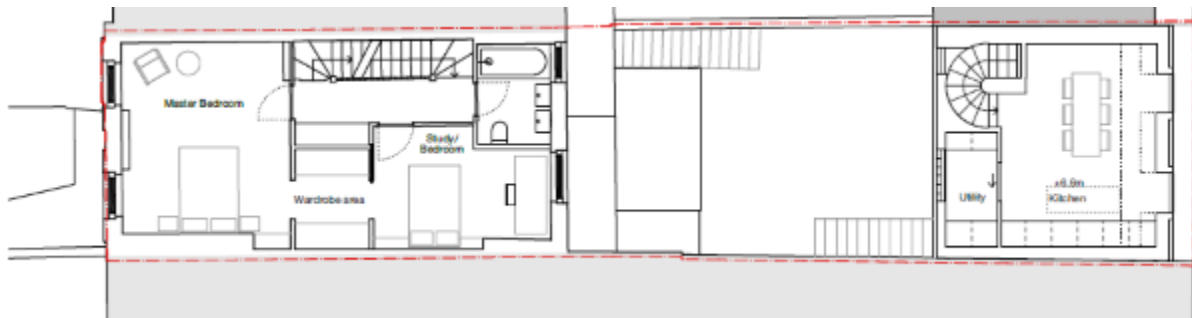
Proposed Ground Floor Plan



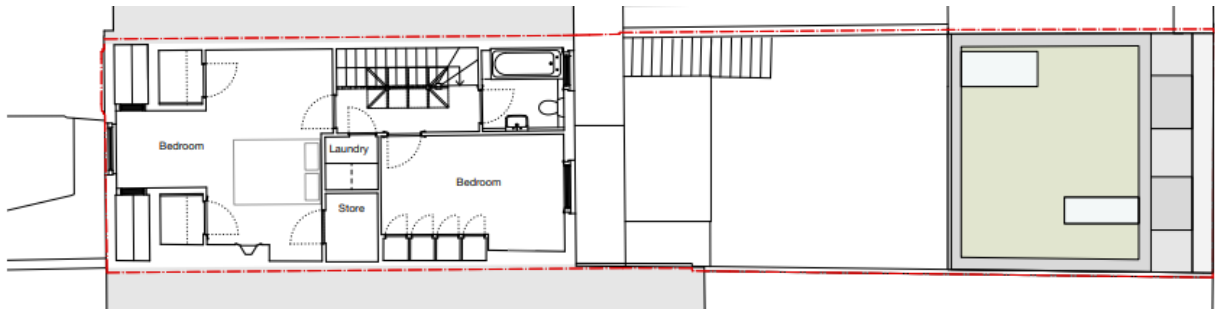
Proposed First Floor Plan



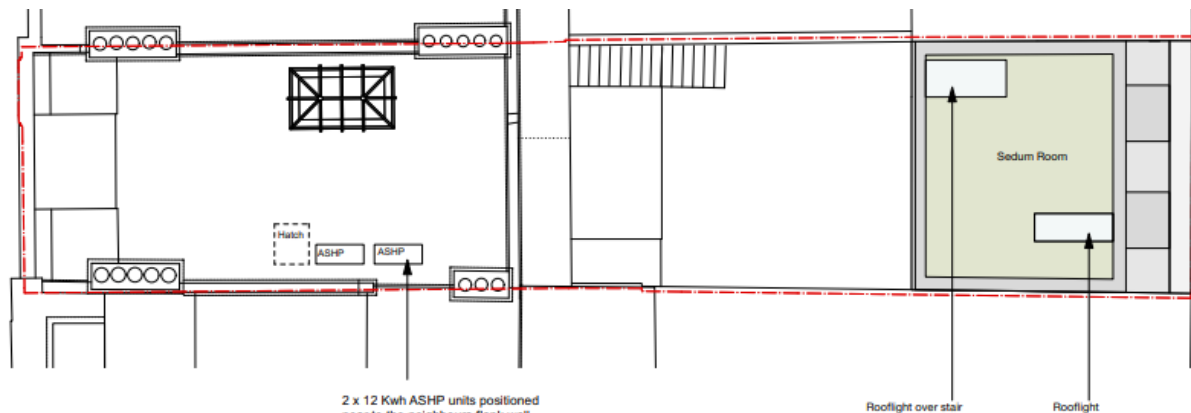
Proposed Second Floor Plan



Proposed Third Floor Plan (main dwelling)/ Roof Plan (mews building)



Proposed Roof Plan (main dwelling)



2 x 12 Kwh ASHP units positioned near to the neighbours flank wall and set back from front and rear elevations to minimise visibility. Proposed units are Nibe F2040 units which have improved acoustic performance with minimal noise output.

DRAFT DECISION LETTER

Address: 14 St Petersburg Place, London, W2 4LB,

Proposal: Erection of a mews building of basement, ground and two upper floors for use ancillary to main dwellinghouse; erection of a lower ground floor extension to the main house at lower ground floor in association with the use of the basement as an studio ancillary to the main dwellinghouse; installation of an air source heat pump at roof level; installation of replacement windows at ground and first floor levels to the main property and reduction of garden level.

Plan Nos: 44/1929: PL0001; PL1001; PL0003; PL0004; PL0005; PL0006; PL0007; PL0008; PL0009; PL0010; PL0011; PL0012; PL0013; PL0014; PL0015; PL0016; PL1003A; PL1004A; PL1005C; PL1006C; PL1007D; PL1008D; PL1009; PL1010; PL1011C; PL1012C; PL1014C; PL1015C; PL1016C; PL1017C; PL1018B; PL2000; PL2001; PL2002; Design and Access Statement Dec 2020; Heritage Statement dated Dec 2020; Acoustic Report dated 11 Jan 2021; Flood Risk Assessment -& Drawings dated Oct 2020; Sunlight and Daylight Assessment 10 February 2022; Sustainability Statement received 18 February 2022.

For information only:
Structural Methodology Statement P2 Nov 2020.

Case Officer: Kimberley Davies

Direct Tel. No. 07866036948

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

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

Reason:

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

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

3 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 neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

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

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out Policies 7 and 38 of the City Plan 2019 - 2040 (April 2021). (R21AD)

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 in writing 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 in writing 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 written 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. (C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R46AC)

- 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 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R48AB)

- 7 **Pre-Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that

is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018.

You must apply to us for approval of the following investigation reports. You must apply to us and receive our written approval for phases 1, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed but before it is occupied.

Phase 1: Desktop study - full site history and environmental information from the public records.

Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property.

Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution.

Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate.
(C18AA)

Reason:

To make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future. This is as set out in Policy 33(E) of the City Plan 2019 - 2040 (April 2021). (R18AB)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 9 You must apply to us for approval of photos and specification 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 this part of the Bayswater Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 10 You must apply to us for approval of details and section (1:10/ 1:20) of the following parts of the development:
- new windows and doors.
 - a screen to the air source heat pumps at roof level.

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 11 You must provide, maintain and retain the following bio-diversity features before you start to use any part of the development, as set out in your application.
- Green roof

You must not remove any of these features. (C43FA)

Reason:

To increase the biodiversity of the environment, as set out Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43FC)

- 12 The basement studio and the mews building shall be used as extended family accommodation, ancillary to the main property at 14 St Petersburg Place and shall not be occupied as separate unit/s of accommodation.

Reason:

At the applicant's request.

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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), 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 visit our website at www.westminster.gov.uk/guide-temporary-structures.

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, sitenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

BUILDING REGULATIONS:

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

- 3 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 email AskHighways@westminster.gov.uk. 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).
- 4 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please email Jeff Perkins at jperkins@westminster.gov.uk.
- 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. (I23AA)
- 6 With reference to condition 3 please refer to the Council's Code of Construction Practice at (www.westminster.gov.uk/code-construction-practice). You will be required to enter into an agreement with the Council 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, e.g. the full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements), must be submitted to the City Council's Environmental Inspectorate (cocp@westminster.gov.uk) **at least 40 days prior to commencement of works** (which may include some pre-commencement works and demolition). The checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition.

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 Inspectorate team must be paid on submission of the details relating to the relevant phase.

Appendix A must be signed and countersigned by the Environmental Inspectorate prior to the submission of the approval of details of the above condition.

- 7 Condition 7 refers to a publication 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018. You can get a copy of this document at www.westminster.gov.uk/contaminated-land. For further advice you can email Public Protection and Licensing at environmentalsciences2@westminster.gov.uk.
- 8 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)
- 9 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 5 April 2022	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Bayswater	
Subject of Report	23A Westbourne Park Road, London W2 5PX		
Proposal	Excavation of rear basement incorporating rear lightwell with glazing above and new rooflight in connection with existing Flat A at basement and ground floor.		
Agent	Plan Project Management		
On behalf of	Mr and Mrs Charles		
Registered Number	21/06502/FULL	Date amended/ completed	02 March 2022
Date Application Received	21 September 2021		
Historic Building Grade	Unlisted		
Conservation Area	Westbourne		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application relates to a flat located at basement and ground floor level within a three storey terrace building that has been subdivided into two flats. The building is not listed but is located within the Westbourne Conservation Area.

Planning permission is sought for the excavation of a rear basement incorporating a rear lightwell with glazing above and new rooflight in connection with the basement and ground floor flat.

During the course of the application, the proposed basement was amended through relocation of the rooflight from the middle of the garden to the rear of the closet wing and a reduction in the basements projection into the garden to four metres.

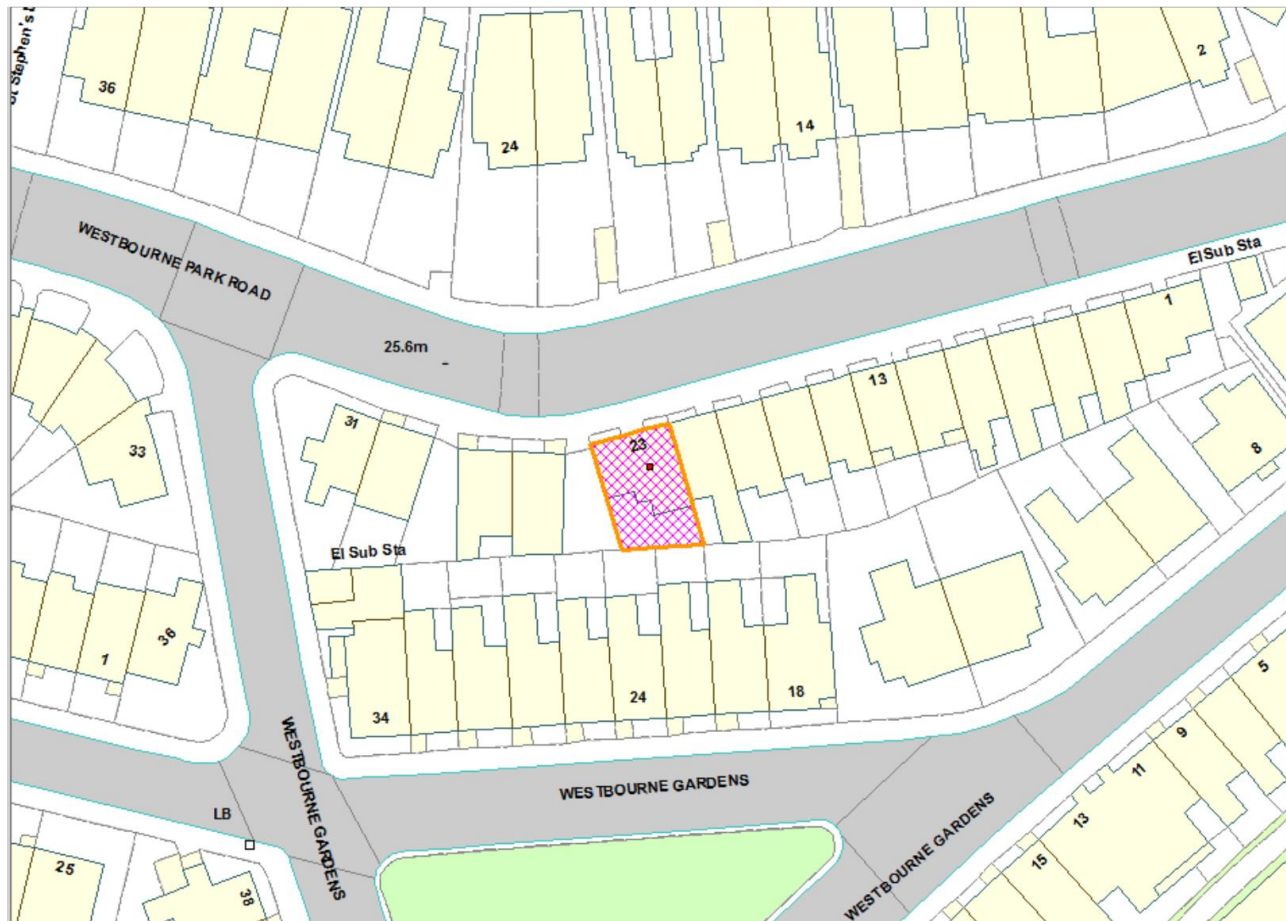
Objections have been received from local residents to potential loss of light, excessive noise, vibration, local air pollution, general disturbance to quiet enjoyment, risks and impacts to neighbouring buildings and structures, including ground conditions and land instability.

The key considerations are:

- Impact of the development on the character and appearance of the Bayswater Conservation Area; and
- Impact of the development on the amenity of adjacent occupiers.

Despite the objections raised and subject to conditions, the proposed development is considered to comply with the development plan.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Front of Application Site



Existing lightwell in Rear Garden of the Application Site



Rear Garden Looking North East



5. CONSULTATIONS

SOUTHEAST BAYSWATER RESIDENTS ASSOCIATION:

Any response to be reported verbally

BUILDING CONTROL:

No objection

ARBORICULTURAL OFFICER:

No objection, subject to conditions.

ENVIRONMENTAL HEALTH:

No objection, subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. consulted: 25

No. of responses: 4, comprising of 3 objections, and 1 general comment

In summary the objectors raise the following issues:

Design:

- Out of character and doesn't not fit the design of the buildings

Amenity:

- Reduced natural light

Other:

- Movement and subsidence to existing building
- Risks and impacts to neighbouring buildings and structures, including ground conditions and land instability
- Construction Management Statement makes no mention of neighbouring properties adjoining no. 23B immediately to the south of the development (no. 24, 22 and 26 Westbourne Gardens)
- Planning notice not served to no.26 Westbourne Gardens as in close proximity of the basement proposals
- Significant disturbance by virtue of excessive noise, vibration, local air pollution and general disturbance to quiet enjoyment and associated outdoor space

In summary, the general comment raises the following issue:

- Concerned the building noise becomes intolerable, costs to relocate elsewhere to be covered by the applicant

SITE NOTICE:

Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application relates to a two-storey property on Westbourne Park Road which backs onto Westbourne Gardens. The building is not listed but is located within the Bayswater Conservation Area. The building is split into two flats, with this application relating to the flat at basement and ground floor levels.

6.2 Recent Relevant History

13/02935/FULL

Installation of timber doors to rear elevation and side return and replacement of existing door with window on rear elevation.

Application permitted

24 May 2013

03/07305/FULL

New front basement staircase, construction of rear basement lightwell, new windows and doors in connection with conversion of basement and ground floors into a maisonette.

Application permitted

27 November 2003

7. THE PROPOSAL

Planning permission is sought for excavation of rear basement incorporating rear lightwell with glazing above and new rooflight in connection with existing Flat A at basement and ground floor.

The initial proposal included a rooflight in the middle of the rear garden which was considered to be unacceptable in design terms. The applicant agreed to amend the proposals to relocate the rooflight to the rear building line of the closet wing.

A further amendment was sought to include the piling structure within the 4m rearward projection of the basement.

8. DETAILED CONSIDERATIONS

8.1. Land Use

The provision of additional floor space to the existing house is in line with Policy 8 of the City Plan.

8.2. Townscape and Design

The application site is not listed but is located within the Westbourne Conservation Area and backs onto neighbouring properties along Westbourne Gardens.

The key legislative requirements in respect to designated heritage assets are as follows: Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that *“In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

The relevant policies for consideration are 38, 39, 40 and 45A(3) of the City Plan 2019-2040.

The only external manifestation of the basement extension would be two ground level rooflights located immediately adjacent to the rear elevation of the above ground building. Both rooflights are of a modest size and would be discreetly located in this position. Accordingly, the proposed rooflights would preserve the character and appearance of the Westbourne Conservation Area.

In making this recommendation consideration has been had to the statutory duties imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990, notably Section 72 and the requirements set out in Chapters 12 and 16 of the NPPF.

8.3. Residential Amenity

Development that could result in a change to the amenity of neighbouring residents such as that of the proposals here must be found to be in accordance with policy 7 of the City Plan 2019 - 2040. The policy seeks to prevent unacceptable impacts in terms of losses of daylight and sunlight, privacy and increases in sense of enclosure and overshadowing.

By virtue of the basements subterranean location, it would not result in any loss of light, sense of enclosure or loss of privacy concerns. Overall, the proposed development is consistent with policy 7 of the City Plan 2019-2040.

8.4. Transportation/Parking

There are no transportation or parking issues raised by this development.

8.5. Economic Considerations

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

8.6. Access

There would be no change to access arrangements

8.7. Other Westminster Policy Considerations

8.7.1 Basement Development

Objections have been received to the proposed developments potential impact on the structural stability of the existing building on-site and neighbouring buildings. In accordance with policy 45 A (1), of the City Plan the applicant has submitted a Structural Methodology Statement (SMS) by a suitably qualified engineer. The SMS demonstrates that the basement can be constructed without harming the structural stability of nearby buildings or increasing flood risk. The SMS has also been reviewed by the Building Control Officer who has raised no objection to the construction methodology proposed. It should be noted that the SMS is not being approved but does demonstrate that there are no impediments foreseeable at the planning application stage that would prevent the creation of a basement in principle. Accordingly, the requirements of policy 45 A (1) have been met.

With regards to flood risk from the basement, the application site is located within Flood Zone 1 (low risk) and is not located within a Surface Water Flood Risk Hotspot. With regards to policy 45A (2), the applicant has submitted a signed Appendix A to Westminster's Code of Construction Practice, which demonstrates that the applicant intends to build the basement in a manner that minimises the impact of its construction on local residents and the road network as much as possible under planning law. Accordingly, the requirements of policy 45 A (2) have been met.

With regards to the proposed developments impact on heritage assets and the garden setting of the application site, these was considered under section 8.2 and found acceptable. Accordingly, the requirements of policy 45 A (3) and (4) have been met. With regards to the extent and depth of the basement, policy 45 B (1) states that basement developments will be supported on small sites like the application site where they extend up to 4m from the original building in that direction. The application site is considered to be a 'small site' with the garden measuring approximately 5.1m (longest side). The proposed basement extends up to 4m from the original building and the piling structure is included within the 4m depth for the proposed basement. The basement is also no more than one storey deep, is set in from the boundary and provides a minimum soil depth of 1m plus 200mm for drainage layer. It does not encroach beneath highway. Accordingly, the extent and depth of the proposed basement meets policy 45 B of the City Plan.

8.7.2 Trees

As noted above, the basement is compliant with the Council's basements policy with respect to the required soil depth. The Arboricultural Manager initially raised concern with the location of the rooflight within the centre of the garden and its impact on the

gardens ability to maximise space for future tree roots and drainage. The amended location of the rooflight addresses this concern.

The rear garden includes a Judas tree (*Cercis siliquastrum*) that would be removed to accommodate the proposed basement. The Arboricultural manager raises no objection to the removal of this tree given its poor condition, subject to a suitable replacement being secured. A condition is recommended to secure this. Subject to this, and conditions to secure appropriate landscaping and soil depth, the proposed development would be consistent with policy 35 of the City Plan.

8.8. Westminster City Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with s.38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan adopted in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 8.9). As set out in s.38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

8.9. Neighbourhood Plans

There are no neighbourhood plans relevant to this site.

8.10. London Plan

This application raises no strategic issues.

8.11. National Policy/Guidance Considerations

The City Plan 2019 – 2040 (April 2021) policies referred to in the consideration of this application are considered to be consistent with the NPPF 2019 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.

A pre-commencement condition has been recommended and agreed to submit Appendix A Code of Construction to be approved by the City Council and Environmental Sciences prior to commencing any works on site.

8.12. Planning Obligations

Planning obligations are not relevant in the determination of this application. In addition, the development is not liable for CIL given the small scale of the extension.

8.13. Environmental Impact Assessment

Not applicable to a development of this scale.

8.14. Other Issues

The issues raised in representations have largely been addressed above. However, the following is also noted:

8.14.1 Notice of Application to Neighbouring Properties

One objector at 26 Westbourne Gardens notes that they did not receive notice of the application. However, the City Council's records indicate that notice was served on the occupiers of that property.

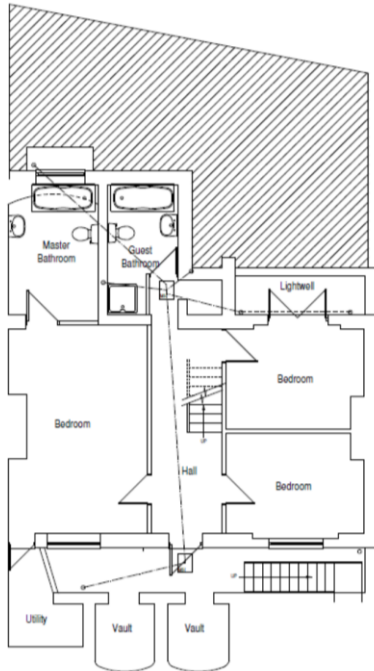
8.14.2 Compensation for Residents Affected by the Proposed Development

One comment has been received querying whether local residents can be compensated for having to find new accommodation, should the construction effects of the development make their properties difficult to inhabit. This is not a material planning consideration and no compensation would be payable from the City Council. The construction impacts of the development would be mitigated as far as possible under planning law by the recommended conditions.

(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: NATHAN BARRETT BY EMAIL AT nbarrett@westminster.gov.uk

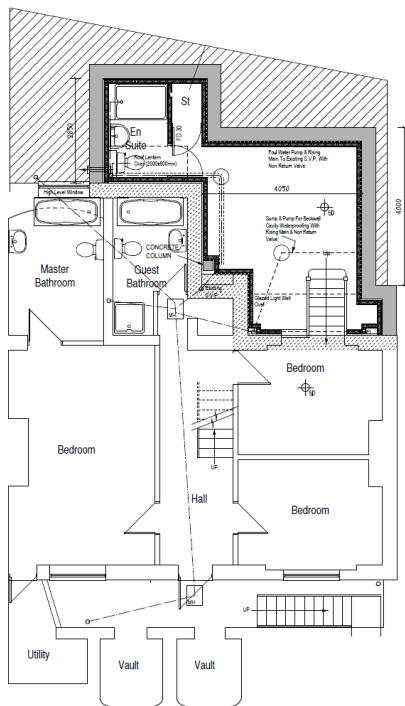
9. KEY DRAWINGS



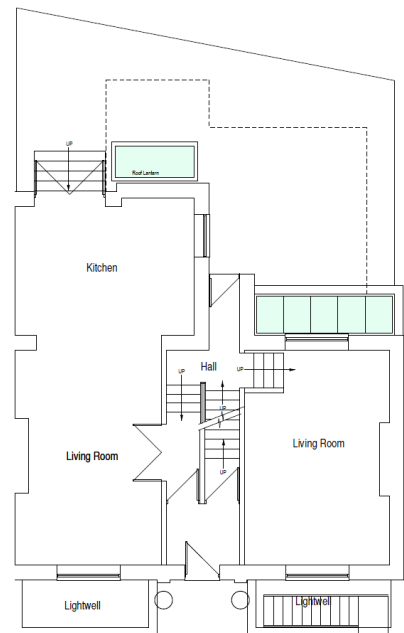
Existing Basement Plan



Existing Ground Floor Plan



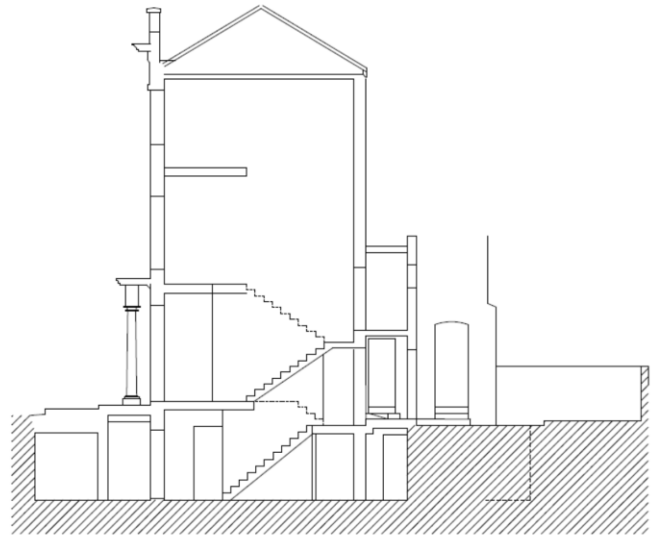
Proposed Basement Plan



Proposed Ground Floor Plan



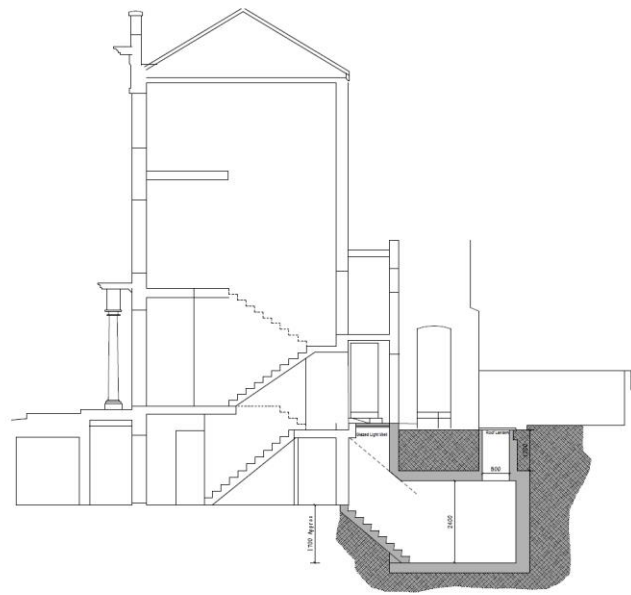
Existing Rear Elevation



Existing Cross Section



Proposed Rear Elevation / Cross Section



Proposed Cross Section

1. EXISTING 2. PROPOSED 3. EXISTING 4. PROPOSED 5. EXISTING 6. PROPOSED 7. EXISTING 8. PROPOSED 9. EXISTING 10. PROPOSED 11. EXISTING 12. PROPOSED 13. EXISTING 14. PROPOSED 15. EXISTING 16. PROPOSED 17. EXISTING 18. PROPOSED 19. EXISTING 20. PROPOSED 21. EXISTING 22. PROPOSED 23. EXISTING 24. PROPOSED 25. EXISTING 26. PROPOSED 27. EXISTING 28. PROPOSED 29. EXISTING 30. PROPOSED 31. EXISTING 32. PROPOSED 33. EXISTING 34. PROPOSED 35. EXISTING 36. PROPOSED 37. EXISTING 38. PROPOSED 39. EXISTING 40. PROPOSED 41. EXISTING 42. PROPOSED 43. EXISTING 44. PROPOSED 45. EXISTING 46. PROPOSED 47. EXISTING 48. PROPOSED 49. EXISTING 50. PROPOSED 51. EXISTING 52. PROPOSED 53. EXISTING 54. PROPOSED 55. EXISTING 56. PROPOSED 57. EXISTING 58. PROPOSED 59. EXISTING 60. PROPOSED 61. EXISTING 62. PROPOSED 63. EXISTING 64. PROPOSED 65. EXISTING 66. PROPOSED 67. EXISTING 68. PROPOSED 69. EXISTING 70. PROPOSED 71. EXISTING 72. PROPOSED 73. EXISTING 74. PROPOSED 75. EXISTING 76. PROPOSED 77. EXISTING 78. PROPOSED 79. EXISTING 80. PROPOSED 81. EXISTING 82. PROPOSED 83. EXISTING 84. PROPOSED 85. EXISTING 86. PROPOSED 87. EXISTING 88. PROPOSED 89. EXISTING 90. PROPOSED 91. EXISTING 92. PROPOSED 93. EXISTING 94. PROPOSED 95. EXISTING 96. PROPOSED 97. EXISTING 98. PROPOSED 99. EXISTING 100. PROPOSED

DRAFT DECISION LETTER

Address: 23A Westbourne Park Road, W2 2AT

Proposal: Excavation of rear basement incorporating rear lightwell with glazing above and new rooflight in connection with existing Flat A at basement and ground floor.

Reference: 21/06502/FULL

Plan Nos: GD2297/05; GD2297/06; GD2297/01 REV A; GD2297/02; GD2297/03 REV B; GD2297/04 REV C; 01; 10; 11; 20; 100; 101 (SHEET 2 AND SHEET 3); 110; 111; For information only: Design & Access Statement August 2021; Appendix A Checklist; Preliminary Construction Management Plan/Method Statement 26 October 2021; Supplementary Planning Document January 2022; Flood Risk Assessment 26 October 2021; Structural Calculations.

Case Officer: Christina Sriramula **Direct Tel. No.** 07866033879

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 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 Westbourne Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 4 The design and structure of the building shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night. (C49AA)

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise as set Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R49AB)

- 5 **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 neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 6 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. You must include details of a single stemmed standard tree to replace the Judas tree in the rear garden. 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 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 that are part of the planting scheme that we approve, or find that they are dying, severely damaged or diseased within five years of planting them, you must replace them with trees of the same size and species, (or alternative sizes and species which we agree to in writing)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of the area, and to improve its contribution to biodiversity and the local environment. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R30BD)

- 7 You must apply to us for details of the specification and profile of the soil which you propose above all basements, including details of the drainage layer and other components, and the way that the proposed areas of soil will be connected. You must not start any work on this part of the development until we have approved what you have sent to us. You must then carry out the work according to the approved details

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Westbourne Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in Policies 34, 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R30CE)

- 8 You must provide a minimum of 1m soil depth (plus minimum 200mm drainage layer) and adequate overall soil volume above the top cover of the basement as shown on the drawings hereby approved. The soil depth and soil volume above the basement must thereafter be retained as approved. (C30GA)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Westbourne Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in Policies 34, 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R30CE)

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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), 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 visit our website at www.westminster.gov.uk/guide-temporary-structures.

CONSIDERATE CONSTRUCTORS:

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

BUILDING REGULATIONS:

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

- 3 When you apply to us for approval of the landscaping details you must demonstrate that the new tree will be planted at ground level and in soil which is contiguous with the soil above the basement and in the undeveloped garden area.
- 4 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to contact to our Environmental Sciences Team (email: environmentalsciences2@westminster.gov.uk) to make sure that you meet all the requirements before you draw up contracts for demolition and building work.

When a contractor is appointed they may also wish to make contact with the Environmental Sciences Team before starting work. The contractor can formally apply for consent for prior approval under Section 61, Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required the authority

may serve a notice on the site/works setting conditions of permitted work (Section 60, Control of Pollution Act 1974).

British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work.

An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.

- 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, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 6 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, for example 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 on 020 7641 6500 or email districtsurveyors@westminster.gov.uk.
- 8 Under the Construction (Design and Management) Regulations 2015, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:

* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;

* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm.

It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

- 9 When you apply to us for approval of the landscaping details you must demonstrate that the new tree will be planted at ground level and in soil which is contiguous with the soil above the basement and in the undeveloped garden area.

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

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 5 April 2022	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Church Street	
Subject of Report	2 Ashbridge Street, London, NW8 8DS		
Proposal	Erection of an electrical substation to rear of new building and associated works including protective fencing.		
Agent	Stantec UK		
On behalf of	Westminster City Council		
Registered Number	21/08002/COFUL	Date amended/ completed	23 November 2021
Date Application Received	23 November 2021		
Historic Building Grade	Unlisted		
Conservation Area			

1. RECOMMENDATION

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

2. SUMMARY

This application site lies at the southern end of Ashbridge Street on its north eastern side. The site is bounded by Alpha House on Ashmill Street; Earle House on Lisson Grove and properties on Broadley Street. The site does not fall within a conservation area. Works are significantly underway in the construction of a five storey building to provide 26 residential units, which was approved in March 2019.

Permission is sought for the erection of an electrical substation to rear of new residential building within what is planned to be communal gardens, in order to provide electricity to the development itself.

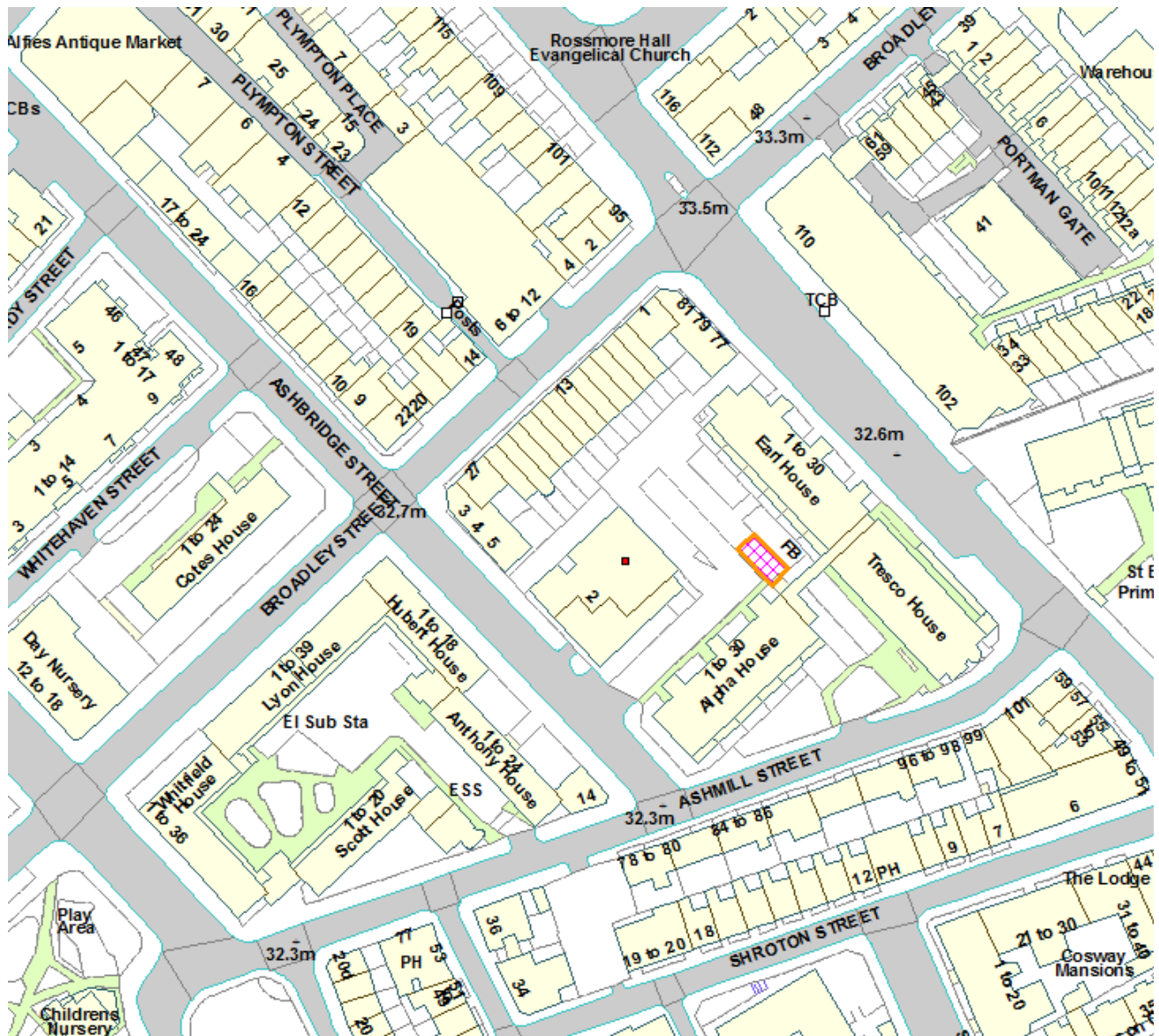
Objections have been received on the grounds of noise; electromagnetic field; that the proposals 'take up' amenity space; will not fit in with the landscaping plan and that residents were not involved in any consultation.

The key issues in the determination of this application are:

- The impact of the proposals on townscape and design; and
- The impact of the proposals on the amenity of neighbouring properties.

Subject to the recommended conditions, the proposed development would comply with the development plan and is recommended for approval.

3. LOCATION PLAN



4. PHOTOGRAPHS

Photo from rear of development site (blue square annotating approximate location of substation)



5. CONSULTATIONS

WARD COUNCILLORS:

Any response to be reported verbally.

THE ST MARYLEBONE SOCIETY

No response received.

ENVIRONMENTAL HEALTH:

No objection, subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 61

Total No. of replies: 10

No. of objections: 9

1 response on behalf residents of Alpha and Earle House; 2 responses from 1 household; 4 responses from 1 household; 2 responses from 1 household.

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

- A substation did not form part of the original consultation by the applicant;
- There were many opportunities for the substation to be designed within the development;
- Proposed Substation removes 'approved' landscaped area which the residents of Alpha House and Earle House have been heavily involved in;
- Loss of communal garden area (the as approved development allowed a high density scheme with already a poor level of communal amenity space);
- Noise from proposed substation;
- Concern about electromagnetic fields and future monitoring;
- Proposals show lack of respect for neighbours in Alpha House and Earle House given lack of consultation.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

This application site lies at the southern end of Ashbridge Street on its north eastern side. The site is bounded by Alpha House on Ashmill Street; Earle House on Lisson Grove and properties on Broadley Street. The site does not fall within a conservation area.

Works are significantly underway in the construction of a five storey building to provide 26 residential units, which was approved in March 2019, under application 17/10968/COFUL.

6.2 Recent Relevant History

17/10968/COFUL

Demolition of existing BT Repeater Station building, with retention of BT service area and associated access. Redevelopment of the site to erect a five storey building to provide 26 residential units, with existing basement floor used to provide parking, plant and services spaces accessed via a new ramp from Ashbridge Street. Removal of existing vehicular ramp to rear of site and provision of new landscaping to amenity space.

Approved 29 March 2019

7. THE PROPOSAL

The proposed development consists of a single 1000 kVA substation built to UKPN specifications. The substation itself measures 3m x 3m and 2.3m high. The substation is to be sited in a timber enclosure for noise reasons and this measures 4m x 5m (which is to accommodate the outward opening doors) and 2.55m high.

The applicant has confirmed that during the detailed design stage, it was confirmed by UKPN that an electrical substation is required for the approved development as the current system would not be sufficient to provide electricity to allow occupation of the proposed units. Therefore, failure to provide a substation would mean the development could not be occupied.

The substation would sit almost centrally within the hard and soft landscaped communal areas approved under 17/10968/COFUL. The closest residential property to the substation will be the rear ground floor residential unit as approved under application 17/10968/COFUL, the windows of which are some 5m away.

8. DETAILED CONSIDERATIONS

8.1 Land Use

There are no policies in the City Plan which directly concern the use of premises/ installation of electrical substations.

Objections have been received on the grounds that the substation was not originally part of this development and that it occupies an area designated as landscaped communal gardens which was for use by the new residents and existing residents of Alpha House and Earle House.

Whilst it is acknowledged that the substation occupies an area originally designed as communal gardens (the landscaping for which has not yet been approved and is required by condition 8 of permission 17/10968/COFUL), it is not considered that the reduction in communal garden space of 20 sqm is so significant so as to warrant refusal. The provision of a new sub-station in this location will provide the benefit of reliable power distribution to this development, which is welcomed

8.2 Townscape and Design

Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting.

The relevant policies for the consideration of this application are 38 and 40 of the City Plan 2019-2040.

As noted above, the substation measures 3m x 3m and 2.3m high. The substation is to be sited in a timber enclosure for noise mitigation reasons and this measures 4m x 5m (which is to accommodate the outward opening doors) and 2.55m high. The enclosure is to be wider than the substation as ventilation is needed around the whole equipment.

Whilst it is regrettable that the substation was not incorporated into the initial approved redevelopment, officers must now assess the substation proposals on its own merits. Prior to the submission of the application, the applicant did explore a number of options for the substations siting both within the bulk and massing of the development and in other locations within the communal area. These options were however, either considered unacceptable by UKPN, or had significant implications on other areas of the development. The principle of the substation as proposed is acceptable and is seen to fit within the aspirations of the landscaping plan and is to be sited adjacent to planned structures within the gardens such as seating/ large planters. The applicant proposes that the enclosure is painted brown to match the buff brick; planters, timber walkway and play equipment within the communal gardens. Whilst brown is not wholly objectionable, officers consider that a green colour would be more suitable if the proposed landscaping details were looking to screen and shield the substation. However, those landscaping details have not been submitted or approved as yet and therefore it is considered appropriate to condition the colour of the enclosure depending on the final landscaping proposals.

Overall, the proposal is considered acceptable and in accordance with the NPPF and policies 38 and 40 of the City Plan.

8.3 Residential Amenity

Development that could result in a change to the amenity of neighbouring residents such as that of the proposals here must be found to be in accordance with policy 7 of the City Plan 2019 - 2040. The policy seeks to prevent unacceptable impacts in terms of losses of daylight and sunlight, privacy and increases in sense of enclosure and overshadowing. Policy 33 is also relevant which seeks to make sure that quality of life and health and wellbeing of existing and future occupiers.

8.3.1 Noise

Objections from residents in adjacent buildings have been received on the grounds of noise from the proposed substation.

Environmental Health officers have assessed the application, clarified a number of points with the applicant and taking into consideration the proposed plant, distance attenuation, on site screening, the location of the plant and the proposed attenuation the noise level at the nearest receptors, have no objections to the proposals on noise grounds, subject to conditions. The proposals will comply with Policy 33 of the City plan.

8.3.2 Electro Magnetic Field (EMF's)

Objections have been raised regarding the electro magnetic field from the substation. UKPN, the substation provider/operator have provided us with confirmation that UKPN substations are compliant as they fall below the limit values assigned to these local substations.

8.4 Transportation/Parking

The proposals have no impact on any parking or transportation issues.

8.5 Economic Considerations

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

8.6 Access

There are no access issues as a result of the installation of a substation.

8.7 Other UDP/Westminster Policy Considerations

8.7.1 Landscaping

The footprint of the substation and its enclosure is 20 sqm. The substation is proposed in an area originally allocated as hard paving and timber walkway insets. Whilst the loss of this communal area of hard soft landscaping is regrettable, it is a very small part of the communal gardens and not considered to be significantly at odds with the original approval.

8.8 Westminster City Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with s.38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan adopted in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 8.9). As set out in s.38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

8.9 Neighbourhood Plans

There are no neighbourhood plans for this area.

8.10 London Plan

This application raises no strategic issues.

8.11 National Policy/Guidance Considerations

The City Plan 2019 - 2040 (April 2021) policies referred to in the consideration of this application are considered to be consistent with the NPPF 2021 unless stated otherwise.

8.12 Planning Obligations

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

8.13 Environmental Impact Assessment

The proposed development is not EIA development.

8.14 Other Issues

Objections have been received on the grounds that the residents of Alpha House and Earle House, who apparently have detailed involvement in the communal gardens planning, were not consulted by the applicant. Whilst this is regrettable and City Council Guidance is for applicants to enter into early community engagement, it must be remembered that the substation is at the request of UKPN and that the housing development cannot be occupied until a sufficient electricity supply can be guaranteed. An application cannot be refused on these grounds.

(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: NATHAN BARRETT BY EMAIL AT NBARRETT@WESTMINSTER.GOV.UK

9. KEY DRAWINGS

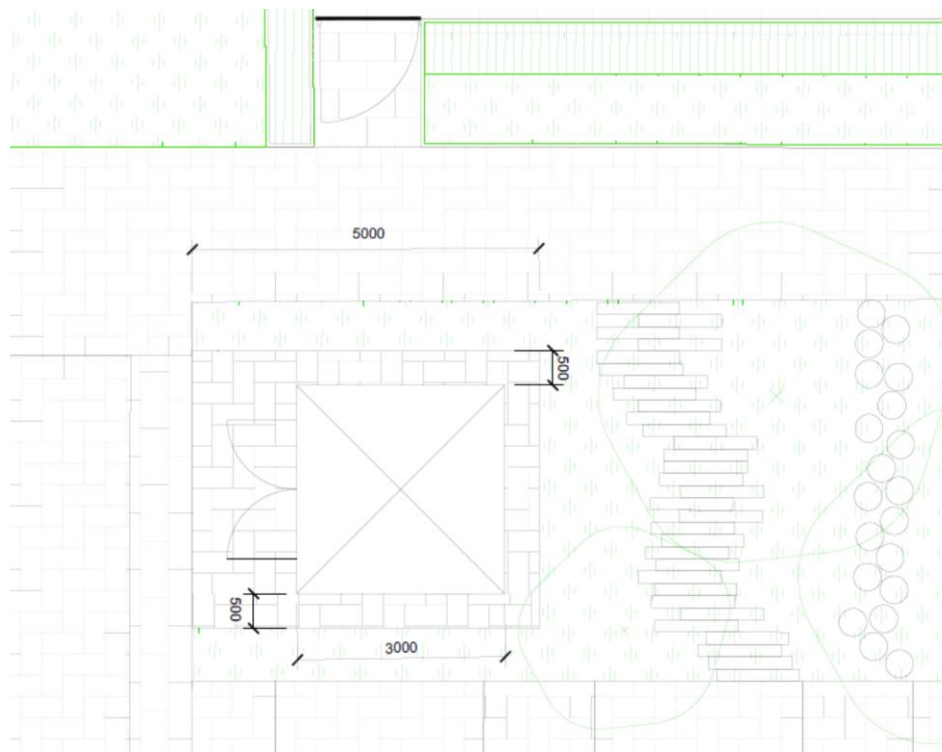
View from Alpha House looking to side of development site and communal gardens.



View from Earle House looking to rear of development site and communal gardens.

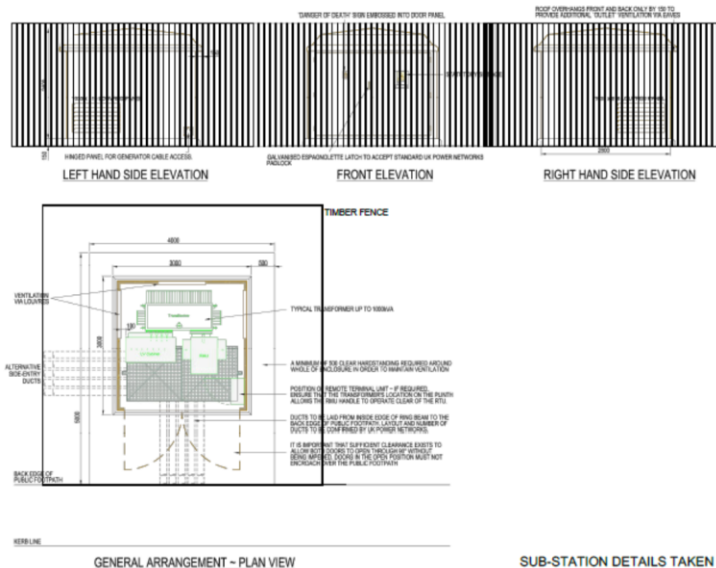


Plan Drawing:



SITE LAYOUT PLAN
SCALE 1:20

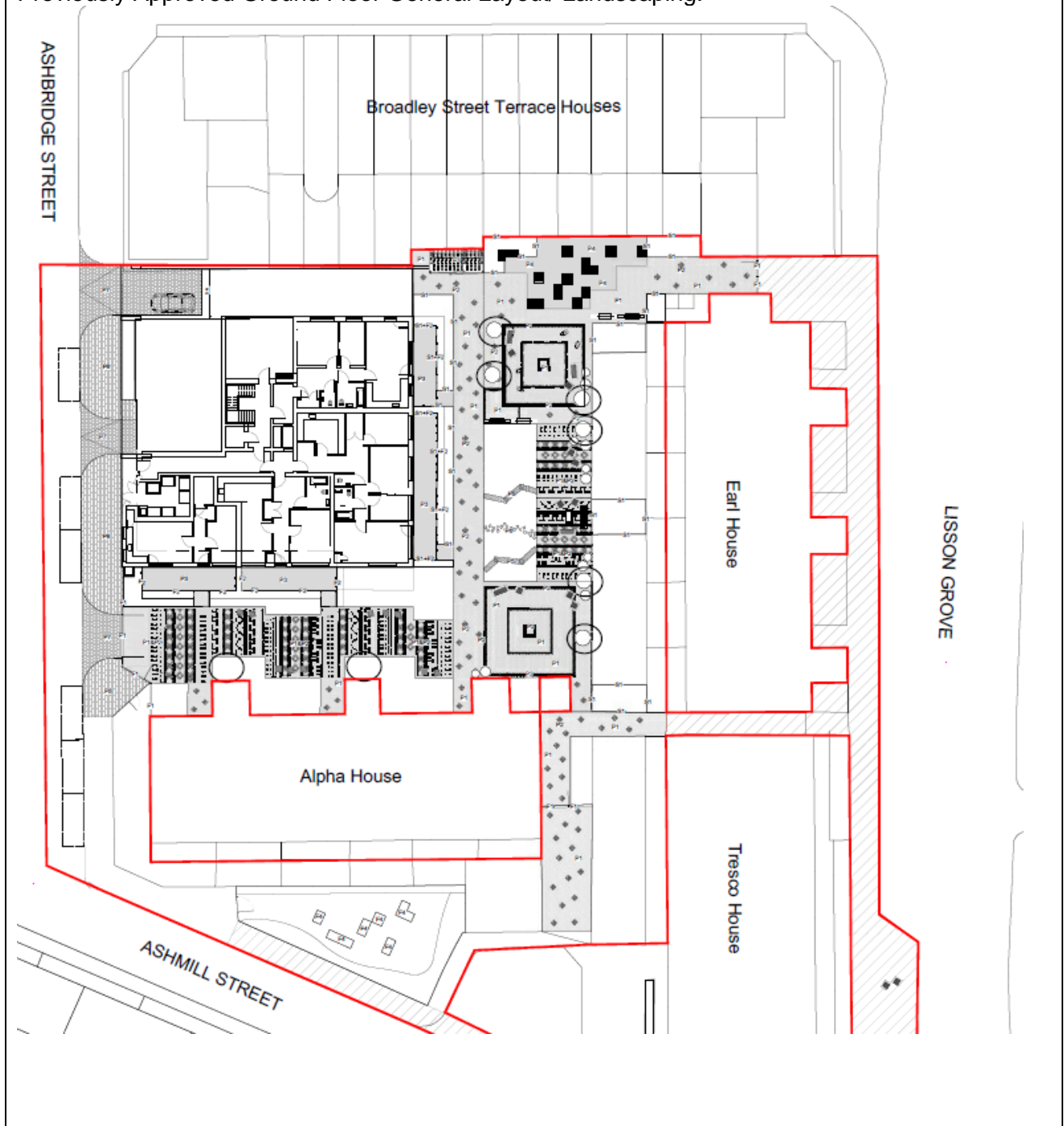
Details of Substation:



SUB-STATION DETAILS TAKEN
FROM UKPN DRAWING:
EDS 07-3102.GP

For Information:

Previously Approved Ground Floor General Layout/ Landscaping:



DRAFT DECISION LETTER

Address: Repeater Station, 2 Ashbridge Street, London, NW8 8DS

Proposal: Erection of an electrical substation to rear of new building and associated works including protective fencing.

Plan Nos: ABR-OUT-XX-GF-DR-L: 9002 C04; 9003 C02; 9004 P02; 9005 C03; 9006 C02.

Technical Note dated 8 February 2022; Confirmation that the proposals comply with EMF requirements.

Case Officer: Kimberley Davies

Direct Tel. No. 07866036948

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

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

Reason:

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

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 4 Before first occupation of the development approved under application RN: 17/10968/COFUL, you must apply to us for approval of the external treatment of the enclosure to the substation. The external treatment must be compatible with the landscaping details required by condition 8 of application RN: 17/10968/COFUL. Within three months of the external treatment being approved, you must finish the enclosure in accordance with the approved details and retain it as such thereafter.

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 Policies 38 and 40 of the City Plan 2019 - 2040 (April 2021). (R26AE)

- 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 in writing 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 in writing 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 written 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. (C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R46AC)

- 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 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R48AB)

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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), 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 visit our website at www.westminster.gov.uk/guide-temporary-structures.

CONSIDERATE CONSTRUCTORS:

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

BUILDING REGULATIONS:

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

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

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 5 April 2022	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Bayswater	
Subject of Report	Porchester Centre, Porchester Road, London, W2 5HS		
Proposal	Installation of two Air Source Heat Pumps and associated plant, within new louvred areas at rear roof level. (Linked with 21/08518/COLBC)		
Agent	Mr Robert Greenwood		
On behalf of	Mrs Claire Barrett Westminster City Council		
Registered Number	21/08517/COFUL 21/08516/COLBC	Date completed	23 February 2022
Date Application Received	14 December 2021		
Historic Building Grade	II*		
Conservation Area	Queensway, the boundary of the Westbourne Conservation Area which runs along the rear of the site .		

1. RECOMMENDATION

1. Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992
2. Grant conditional listed building consent
3. Agree reasons for granting conditional listed building consent as set out in Informative 1 attached to the draft decision notice

2. SUMMARY

The Porchester Centre is a Grade II* listed building within the Queensway Conservation Area. These Council Own applications relate to the installation of Air Source Heat Pumps (ASHP) on the three areas of flat roofs (No's 14 upper gym ,20 and 21) at the rear of the Centre , associated plant, internal and external works. The proposed ASHPs will supplement the existing gas fired boiler plant and will potentially generate 83% of the building's heat requirements .This will result in a carbon saving of 437,000kg of CO2per year and it is part of the Council's programme to retrofit existing sports centres.

Ten objections have been received from residents at the rear in Westbourne Gardens on grounds of increased noise from the proposed equipment, the cumulative effect of plant on the roof ,loss of light and enclosure and the proposal will be unsightly.

Whilst the proposals to optimise energy efficiency are most welcomed in terms of the Council's adopted policy 36(energy) in the City Plan and the Council's climate emergency, these public benefits need to be assessed in terms of the less than substantial harm to the special architectural and historic interest of this Grade II* listed building, the character and appearance of this part of the Queensway Conservation Area and the adjoining Westbourne Conservation Area. Given size and the proximity of the proposed plant which are enclosed in louvres, another key consideration is the impact on the amenities of neighbouring residents in Westbourne Gardens in terms of additional noise generated, the cumulative impact, loss of light and increased sense of enclosure.

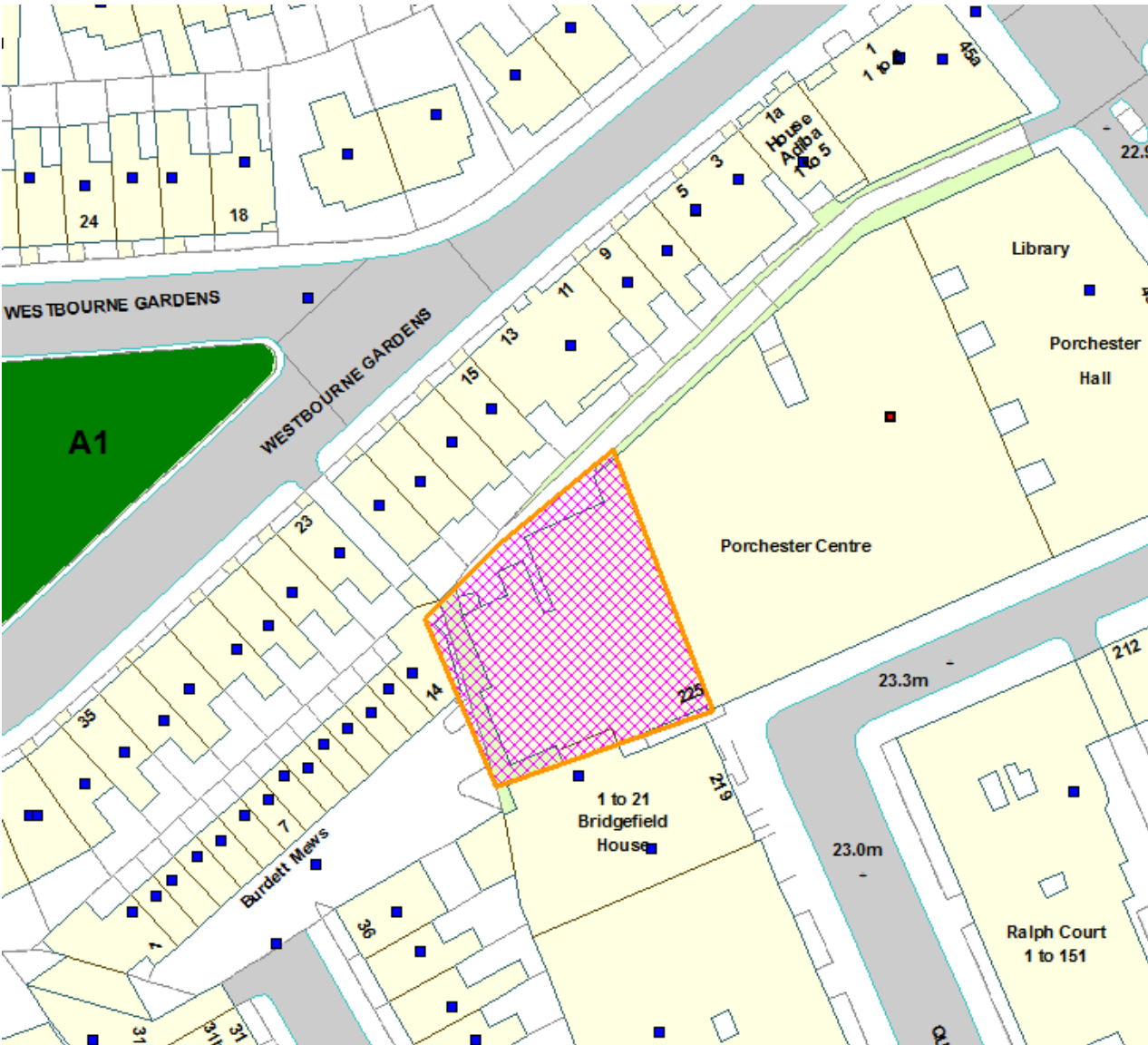
The applicant during the determination of these applications was requested to investigate whether alternative locations to position some of the proposed plant away from the boundary with the flats to the rear in Westbourne Gardens might be possible. However, the applicant has provided further information why this is not possible.

It is considered that the proposed ASHPs given their location in the north-western corner of the Centre will result in less than substantial harm to special architectural and historic interest of this Grade II * listed building. The plant will be located on existing flat roof areas of utilitarian appearance or on much later additions which used to house plant. Whilst they do add more clutter, they will not compromise the main areas of historic importance/significance of this Grade II* building. It is recognised that the proposed plant will cause some harm, but at the low end of the spectrum of less than substantial, and it is considered that this is outweighed by the energy and public benefits associated with the use of ASHPs. The proposal will preserve the character and appearance of this part of the Queensway Conservation Area and the adjoining Westbourne Conservation Area.

In terms of noise and disturbance, nearby residents are very concerned about the cumulative impacts given other plant on the roof of the centre. Some existing plant has already been removed to accommodate the proposed new ASHPs, whereas some plant is new. The Council's Environmental Health Officer raises no objections subject to conditions. The agent has confirmed the heat pumps nearest the rear of No's 15-21 Westbourne Gardens on Roof 14 will cease to operate between 23:00 – 07:00 and this will be controlled by condition. It is recognised that the proposed louvres to enclose the ASHP on roofs 14 and 20 will result in some degree of loss of sunlight and increased sense of enclosure but not to such a harmful level to justify refusal of planning permission. The proposed louvre to roof 21 is marginally lower than the existing structure.

The applications are being recommended for conditional approval.

3. LOCATION PLAN

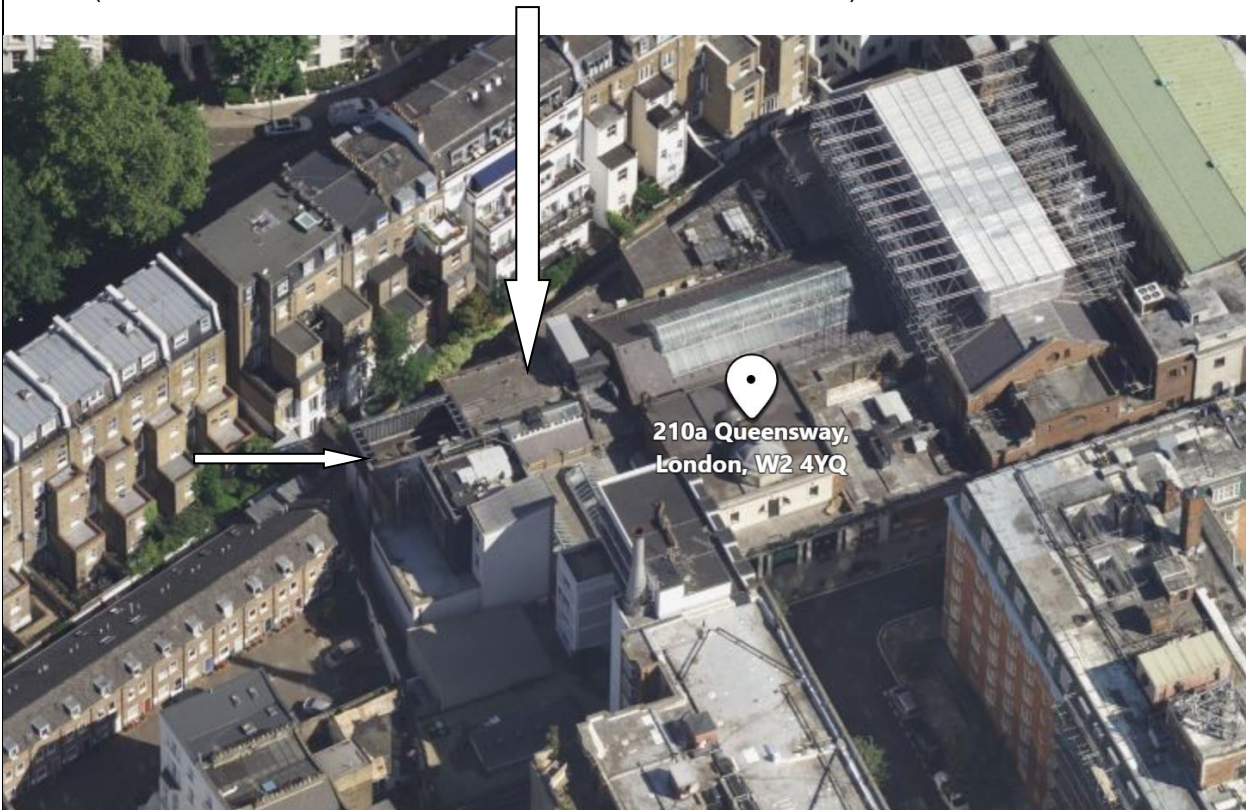


4. PHOTOGRAPHS

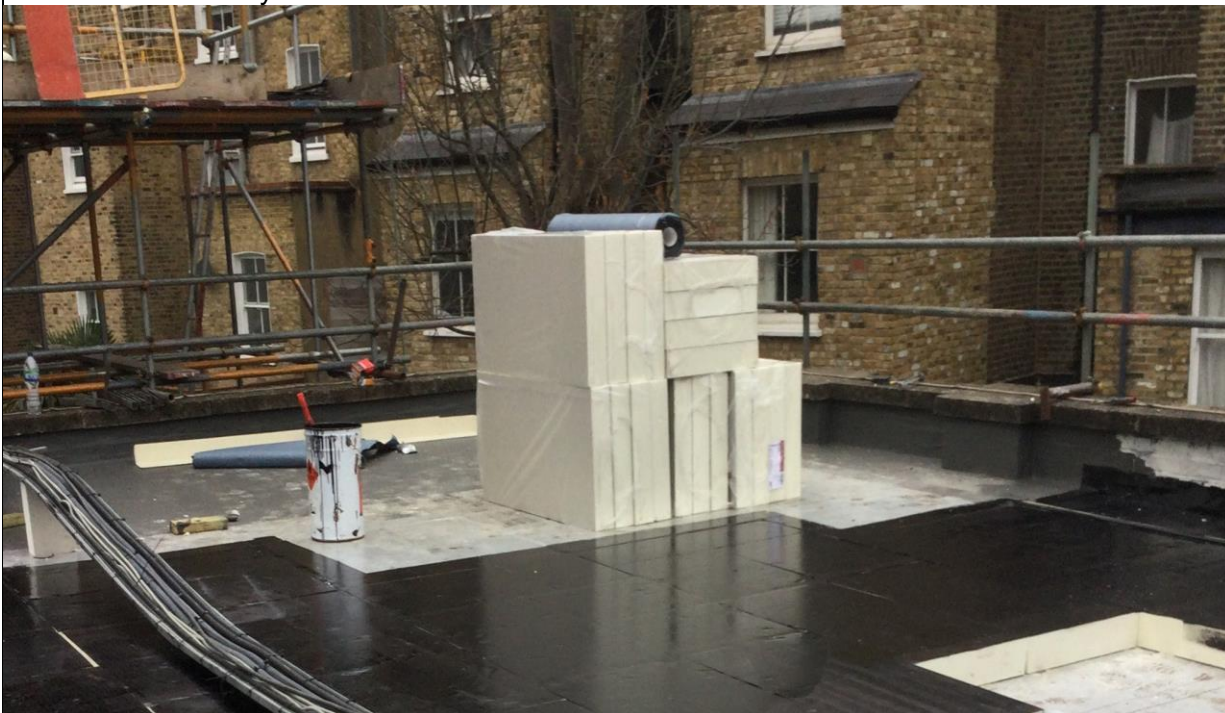
Front elevation looking up Queensway



Aerial view of the roof and the areas identified for ASHP's Roof 14 and Roof 21 highlighted by arrows(Roof 21 at a lower level and not visible on this aerial shot)



Existing flat roof area and properties at the rear in Westbourne Gardens – proposed ASHP on Roof 14 to be enclosed by a louvre screen.



Roof 14 looking west and existing louvre screen which encloses Roof 21 another location for the proposed ASHP. Existing louvre will be removed and replaced with a new slightly lower louvre.

Roof 21 is now largely empty as most of the existing plant has been removed and proposed location for ASHP and replacing existing louvre with a new lower louvre



Roof of next to the swimming pool plant (Roof 14) - existing swimming pool plant, proposed 200 Kw SHP's to be located on flat roof area and enclosed in louvres



Proposed location of compressor unit Roof No 20 – former shed structure has been recently removed – proposed compressor will be enclosed by a louvre.

5. CONSULTATIONS

Ward Councillors for Bayswater: To be reported verbally
 Historic England : Authorisation received
 South East Bayswater Residents Association : to be reported verbally
 Environmental Health : no objections subject to conditions

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 344
 Total No. of replies: 10
 No. of objections: 10
 No. in support: 0
 Objections received on the following grounds:

Design

The proposed louvres are unsightly .

Amenity

Residents already suffer from noise from plant and unable to enjoy their existing flats and gardens and this proposal will make matters worse .
 Plant will be operating 24 hours a day and will cause a noise nuisance . Residents already find it difficult to sleep due to existing plant .
 Noise assessment only tests No's 15-21 Westbourne Gardens and other flats including No 9 are being affected by noise from plant noise from the Centre.
 Flats at the rear will be adversely affected by the cumulative impact of adding more plant at roof level
 Loss of light to adjoining flats and gardens from the proposed equipment and associated louvres .
 Air particles from the plant will be blown towards residents .

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The Porchester Centre is a Grade II* listed building located at the northern end of Queensway. It was first listed in 1994 as Grade II and was upgraded to Grade II* in 2019 in recognition of the importance of the Turkish baths . The building comprises of two swimming pools, Turkish baths, assembly halls and a public library built between 1923 and 1929. These applications relate to the north -western end of the Centre, which includes a number of flat roofs and more recent additions to the centre granted approximately 20 years ago.

The building lies within the Queensway Conservation Area, and the rear is the boundary of the Westbourne Conservation Area.

On the roofs of the Porchester Centre there is a range of plant which serves the main

and small swimming pools, and at the western end there are later additions to the building which have louvred screened plant areas at upper levels . These applications relate to three flat roof areas known as Roof 14 , Roof 20, and Roof 21 on the submitted drawings.

There is service road and footpath which runs along the rear of the building accessed from Porchester Road. This narrows towards the western end of the Centre to a footpath. At the rear are the terraced properties in Westbourne Gardens which are mainly subdivided into flats and their back gardens abut the rear boundary of the Centre. The application site also abuts the boundary with Burdett Mews to the west and Bridgefield House a block of flats .

6.2 Recent Relevant History

There have been many decisions relating to alterations and extensions to the Porchester Centre.

Of relevance to plant are the following:

4 March 2022 - Planning permission and listed building consent granted for extensions to the existing service tower at the western end of the Centre to provide new changing facilities, gym, and dance studio. Alterations including the upgrading of existing mechanical plant and new plant. (Council's Own Development) 00/09333/COFUL and 00/09324/COLBC

30 January 2002 - Planning permission and listed building consent granted for the erection of single storey store building at rear and external alterations to brick up an existing window (Council's Own Development).03/06271/COFUL and 03/06257/COLBC

23 January 2006 - Planning permission and listed building consent granted for the retention of small swimming pool air handling unit and attenuation measures, retention of two chillers and acoustic screens to the rear of the service tower, and retention of kitchen extract fan on the roof of Porchester Hall. Erection of access ladders to rear elevation and minor elevational changes. (Council's Own Development) 05/00776/COFUL and 05/00777/COLBC

26 May 2006 - Permission and listed building consent granted for the Installation of external mechanical ventilation plant and ductwork to internal lightwells at the rear of Porchester Hall (Council's Own Development) 06/00932/COFUL and 06/00933/COLBC

6 June 2012 - Permission and listed building consent granted for the construction of a new build link block between Porchester Centre and Bridge Field House, alterations to create new health and fitness suite at mezzanine level of Bridge Field House and associated external alterations, including the relocation of two air conditioning units to the roof of the link block extension.12/03107/COFUL and 12/03108/COLBC

1 December 2012 - Permission and listed building consent granted for internal alterations and refurbishment of Porchester Centre at basement and first floor level including alteration to Spa access. Installation of mechanical plant at second floor roof

level and within internal lightwells. 16/09006/FULL and 16/09007/LBC)

There are also current planning application and listed building consent for the installation of roof mounted photovoltaic panels (162 panels) on the roof of Paddington Library (Ref 21/08701/COFUL and 21/085702/COLBC)

7. THE PROPOSAL

Permission and listed building consent are sought to erect two sets of Air Source Heat Pumps (ASHPs) at the Porchester Centre, associated compressors, minor external and internal works. This is one of the measures to retrofit existing sports centres in Westminster. It is envisaged that the proposed ASHP will potentially generate approximately 83% of the building's total annual heat requirement, representing a carbon saving of approximately 437,000 kg Co 2 per year.

Two sets of 200 kW ASHPs are proposed to be split across two rooftops each comprising of two collectors and one compressor. These installations will involve the installation of new platforms structurally designed to distribute the weight of these units safely onto the building. The third area is a compressor on another flat roof.

The first unit is located on roof 14 adjacent to the small swimming pool plant and comprises to two collectors and all plant will be screened by louvres.

The second area is roof 21 in the modern extension (which is now redundant of plant as it is used to house chillers) and this will accommodate another set of ASHPs, and it is proposed to replace the existing louvres with a new lower louvre.

A separate compressor will be located on a flat roof below known as Roof 20 and will also be enclosed by louvres .There was a timber structure/shed on this flat roof which was recently removed.

Other works include new pipework internally and externally .Refrigeration pipework from each unit will pass through the louvres and new pipework will drop into the existing combined heat and power room through new penetrations through the roof and interconnecting pipework between the new units and the existing system will follow the same route as the existing pipework .Following the site visit, further information was provided regarding the pipe routes .

Following the site visit and in the light of the objections received, the agents were requested to provide additional information on the proposed ASHP and associated equipment. The agent was also asked to look at alternative locations for the proposed ASHP on Roof 14 and whether it was possible to move the compressor from roof 21 into the upper level plant area. The applicant has provided reasons why this is not practicable, and this is covered in more detail in this report.

8. DETAILED CONSIDERATIONS

8.1 Land Use

These applications raise no land use issues

8.2 Townscape and Design

The key legislative requirements in respect to designated heritage assets are as follows:

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that *“In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

Section 66 of the same Act requires that *“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

Section 72 of the same Act requires that *“In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”*

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy 39 of the City Plan seeks to ensure that features that contribute positively to the significance of conservation areas and their settings are conserved and opportunities taken to enhance setting wherever possible.

Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting. Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, considering the statutory duty to have special regard or pay special attention, as relevant. This should also consider the relative significance of the affected asset and the severity of the harm caused.

Detailed Assessment

The Porchester Centre is a Grade II* listed civic complex comprised of baths, swimming pools, assembly rooms and a public library of the 1920's .The architectural value of the Porchester Centre is principally derived from both grand elevations to Porchester Road and Queensway and the high quality of the interior public spaces and Turkish baths. The main historic aspects of the roofscape are the roof over the library and the two swimming pool roofs .

The proposed ASHPs are to be located at the north-western end of the Centre and therefore do not affect the principal elevations or the significant interior spaces, and not

visible from street views looking north along Queensway. These roof spaces are utilitarian in terms of their appearance and include the more modern additions to the Centre. Nevertheless, it is recognised that the size of these ASHPs are large and together with the proposed louvres the proposal will add more bulk and clutter to the rear of the building to roofs 14 and 20, especially when viewed from the residential terrace at the rear.

Regarding the proposed plant to the two remaining flat roof areas. The applicant has demonstrated that it is not practicable to relocate this proposed plant elsewhere at roof level, and the locations which have been chosen have less visual impact and make a lesser contribution to the heritage significance of this listed building.

The proposal does add further plant to Roofs 14 and 21 to this important listed building, however the proposal is to areas of flat roof at the rear of the building. These are utilitarian flat roofs adjacent to the rear service road and footpath. The proposed ASHPs and compressor will be enclosed by louvres to screen them. It is considered that the proposal will cause less than substantial harm and at the lower end of the spectrum and this therefore needs to be weighed against the public benefits. It is recognised that the proposal will deliver energy benefits, generating significantly less CO₂ emissions compared to the existing. The proposal is supported by the Council's adopted energy policy 36 in the City Plan .It is considered that the proposal will preserve the character and appearance of this part of the Queensway Conservation Area and the adjoining Westbourne Conservation Area.

In respect of roof 21 this was originally built as a plant enclosure as part of the modern extensions to the Centre and there are no design or historic building objections to this area being used to house ASHPs and the lower replacement louvre is an improvement on the current screen.

In respect of the associated pipework , this work will not affect the historic significance of the building .The proposed plant is sited on platforms to protect the structural integrity of the building.

As such, whilst being mindful of policies 38,39 and 40 of the City Plan, given the public benefits that would be delivered; namely the installation of more energy efficient air source heat pumps which will provide significant CO₂ savings; and that the proposed plant will be screened by louvre enclosures to reduce their visual impact, the proposal is considered acceptable in terms of its impact on the designated heritage asset(s). Therefore, the recommendation to grant conditional permission and listed building consent is compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8.3 Residential Amenity

Sunlight and Daylight

The nearest affected windows and gardens in Westbourne Gardens at the rear face south and therefore an assessment needs to be made in respect of loss of sunlight .

Objections have been received that the proposal will further reduce light and affect outlook. Regard has been had to the BRE advice, and the agent has submitted a detailed Daylight and Sunlight Report. The agent was requested to submit further information regarding the proposed losses. A site visit was also undertaken to a flat at the rear .

It is recognised that the proposed louvre panels to screen the ASHPs to Roof 14 and 20 will result in further losses of sunlight given the distances that separate the Centre and these flats and gardens .The worse affected properties will be No's 17-21 Westbourne Gardens, in particular the rear gardens and those windows/doors at lower ground and ground and to a lesser extent those at first floor level . It should be noted there was until recently a timber shed structure on Roof 20 and this was recently removed, but this proposal is for a taller louvre along the full elevations and to the side .

The reduced height of the louvre to Roof 21 will represent a marginal improvement, but overall it is recognised that cumulatively the proposed louvres to Roofs 14 and 20 will result in a further diminution of sunlight, in particular losses of early morning sunlight.

Following an on site assessment and assessment of the submitted Daylight and Sunlight Report, it is considered that while these further losses are regrettable, the proposal will not result in a material loss of sunlight to these gardens and windows on the lower and ground floors to justify refusal of planning permission .

It is not considered that the louvre enclosures will adversely affect the light and outlook to the houses in Burdett Mews .

The proposal therefore complies with policies 7 and 38(C) in the City Plan in terms of loss of sunlight.

Sense of Enclosure

The proposed louvres to Roofs 14 and 21 will result in an increase sense of enclosure to the flats and gardens at the rear and be clearly visible from upper floor windows and terraces . It would have been preferable for the units to be located a bit further away, but regrettably this is not possible. The louvres will result in the gardens being more enclosed due to their close proximity and height. Although it is indicated that the louvres be painted to match existing, it is considered that a lighter grey colour at these two levels would be preferable, and this is to be secured by condition.

There will be a slight improvement to some of the upper level windows by a slight reduction in height to the louvre that encloses the plant on roof 21.

8.4 Transportation/Parking

These applications raise no transportation issues .

8.5 Economic Considerations

It is recognised that the reduced energy savings the proposal will generate to the day to day operation of the Centre .

8.6 Access

Not applicable for a development of this nature.

8.7 Other City Plan Policy Considerations**Noise and Vibration**

This is one of the key considerations given the existing plant on the roof of the centre and the objections received. There is a significant amount of plant on the existing roof associated with the main and small swimming pools. Residents are naturally concerned about the cumulative impact of adding more plant on the roof of the Porchester Centre , and the proposed operation of the ASHPs generating more noise and disturbance .

The applicant has submitted a detailed acoustic report with the application , and it has tested the nearest residential properties .An objection has been received that the report did not test several flats further along in Westbourne Gardens, but the report did test the nearest affected windows .

The Environmental Health Officer has reviewed the applicant's acoustic report and raises no objections subject to conditions .

In addition , in the light of the concerns raised by the objectors the applicant has agreed that the ASHP on Roof 14 which is next to the flats in Westbourne Gardens will cease to operate between 23:00 – 07:00 and this will be controlled by condition.

Whilst residents' concerns about the possibility of additional noise is understood, it is considered that the proposed ASHPs will operate in accordance with the Council's standard noise conditions and comply with policies 7 and 33 in the City Plan.

The plant will sit on new platforms and is not considered to cause a vibration nuisance to nearby residents.

Sustainability

As already set out in this report, the proposed ASHPs fully accord with adopted policy 36 in the City Plan and are welcomed in terms of greater energy efficiency and significant reductions in CO2 emissions.

8.8 Westminster City Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with s.38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan adopted in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 8.9). As set out in s.38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with

the development plan, unless material considerations indicate otherwise.

8.9 Neighbourhood Plans

There is no Neighbourhood Plan for this part of the city .

8.10 London Plan

These applications raise no strategic issues.

8.11 National Policy/Guidance Considerations

The City Plan 2019 - 2040 (April 2021) policies referred to in the consideration of this application are consistent with the NPPF 2019 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.

No pre-commencement conditions are necessary.

8.12 Planning Obligations

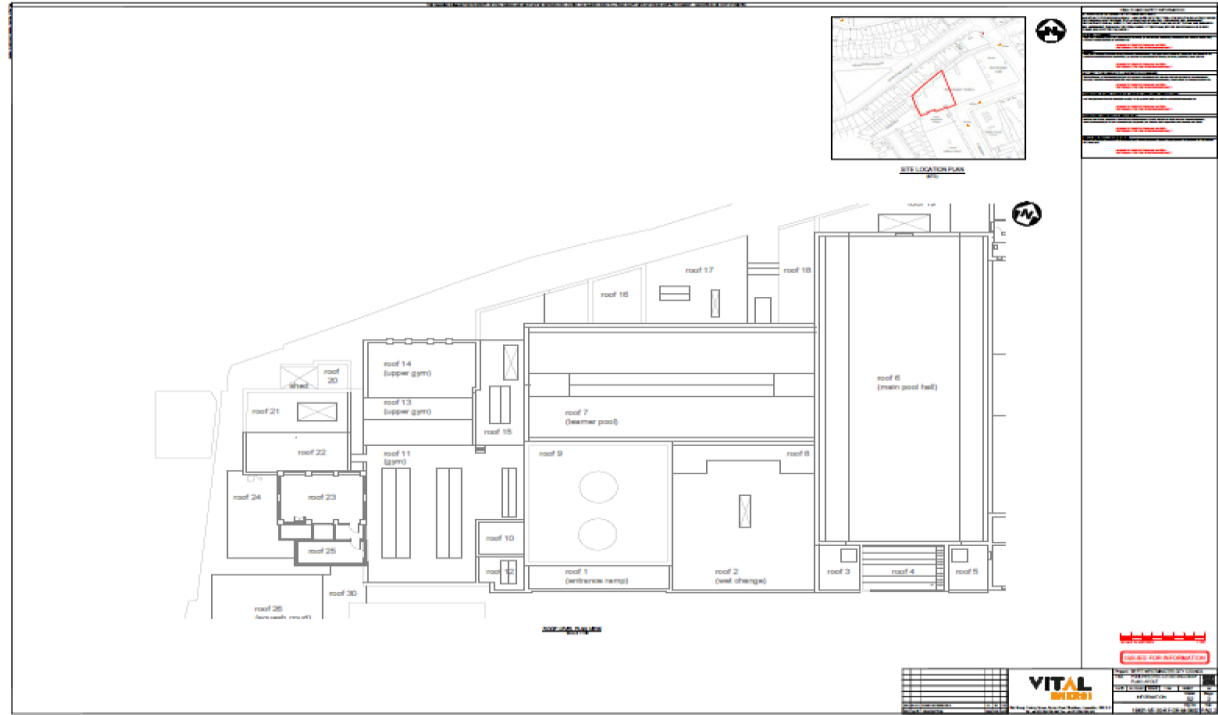
Planning obligations are not relevant in the determination of these applications.

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

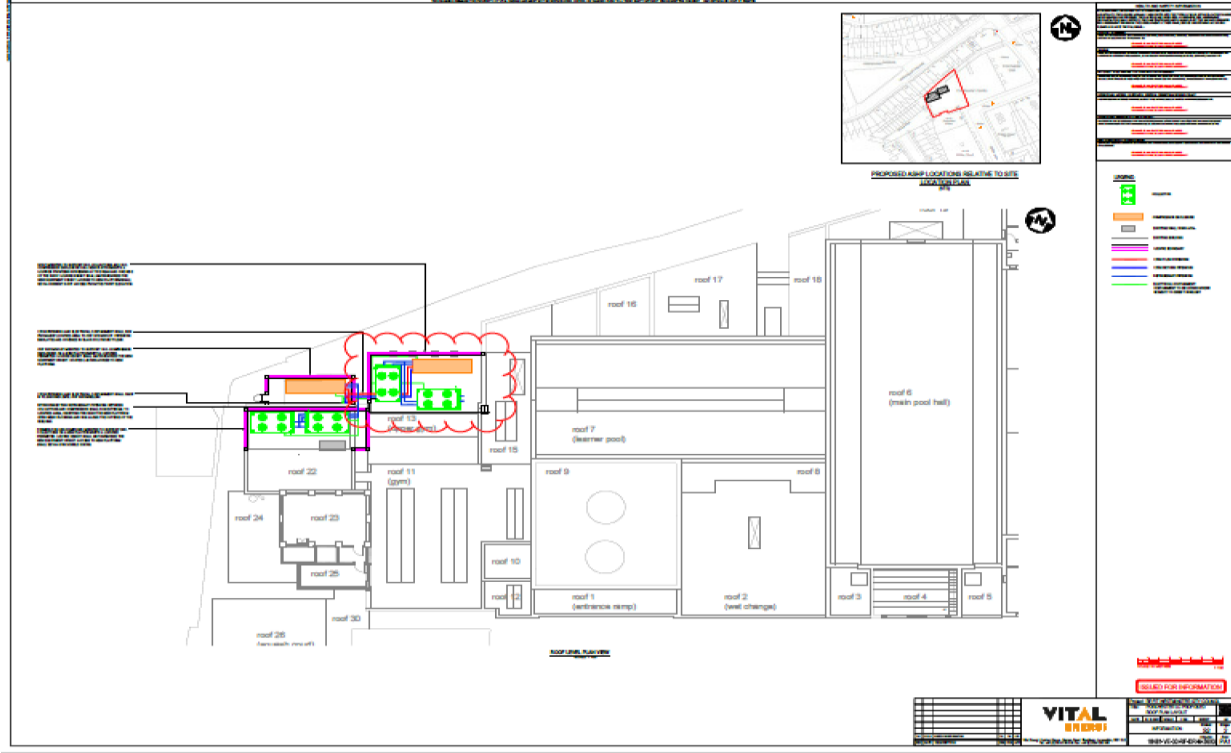
<p>IF YOU HAVE ANY QUERIES ABOUT THIS REPORT, PLEASE CONTACT THE PRESENTING OFFICER: NATHAN BARRETT BY EMAIL AT nbarrett@westminster.gov.uk</p>
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9. KEY DRAWINGS

Existing drawings roof plan



Proposed Roof Plan



The image displays architectural drawings for a proposed addition to an existing building. The drawings include a West Elevation, a North Elevation, and an Elevation Legend. The West Elevation shows the existing building with a new addition highlighted in pink. The North Elevation shows the existing building with a new addition highlighted in pink. The Elevation Legend defines the colors used in the drawings: yellow for existing masonry, pink for new masonry, blue for existing wood, green for new wood, red for existing metal, and purple for new metal. The legend also includes a scale bar and a north arrow.

WEST ELEVATION
SCALE: 1/8" = 1'-0"

NORTH ELEVATION
SCALE: 1/8" = 1'-0"

ELEVATION LEGEND
SCALE: 1/8" = 1'-0"

LEGEND

- EXISTING MASONRY
- NEW MASONRY
- EXISTING WOOD
- NEW WOOD
- EXISTING METAL
- NEW METAL
- EXISTING GLASS
- NEW GLASS
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- EXISTING FLOOR
- NEW FLOOR
- EXISTING FOUNDATION
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Specification of the ASHP's from submitted Design and Access Statement

7 SPECIFICATIONS

7.1 Air Source Heat Pump

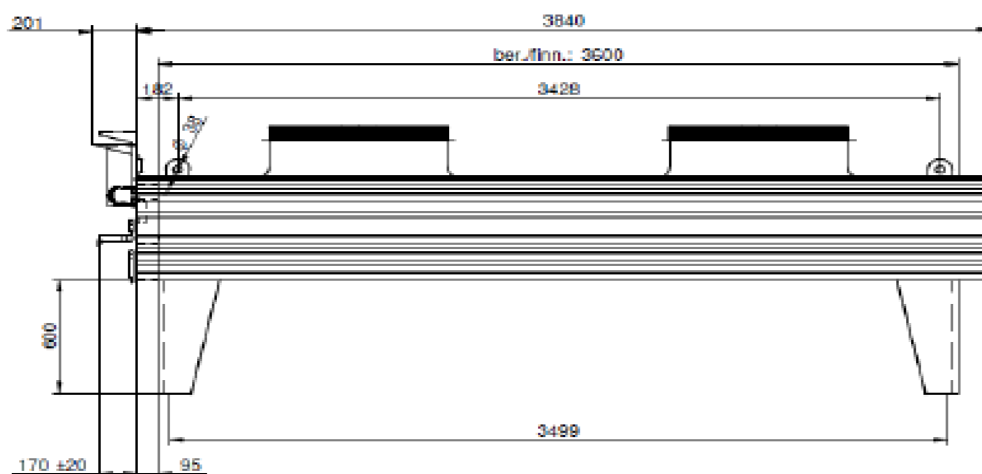


Figure 2 – Collector Side Elevation. (2no. required per 200kW heat pump)

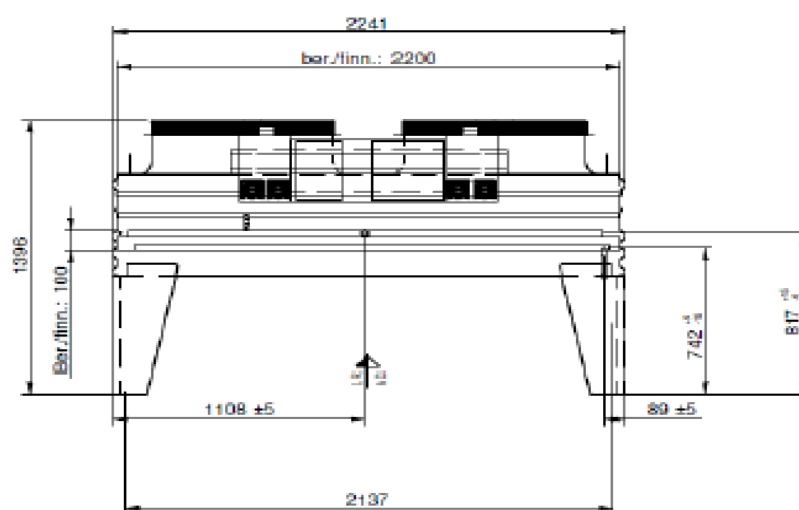


Figure 3 – Collector End Elevation. (2no. required per 200kW heat pump)

DRAFT DECISION LETTER

Address: Porchester Centre, Porchester Road, London, W2 5HS

Proposal: Installation of two Air Source Heat Pumps and associated plant, within new louvred areas at rear roof level. (Linked with 21/08518/LBC)

Reference: 21/08517/COFUL

Plan Nos: Supporting Information, Location Plan 18481-VE-30-XX-SI-M-5601 Rev PA02
Design and Access Statement , Heritage Assessment ,Acoustic Report ,
Porchester Sun Shading Analysis,
18481 -VE-30-XX-E-A-XX01 Rev PA0.A ,18481-VE-30-ZZ-DR-M-5604 Rev PA03,
18481-VE-30-RF-DR-M-5602 Rev PA02 ,18481-VE-30-XX-E-A-XX02 Rev PA0.3 ,
18481-VE-30-ZZ-DR-M-5605 Rev PA03, 18481-VE-30-RF-DR-M-5603 Rev PA06 ,
Cable Route drawing and photographs of proposed cable route 2022-02-03
Electrical Sketch, 50634-VE-30-22-DR-ME-5601-C1 GA , Electrical photographs,
21072-S-101Rev G, 21072-S-102 Rev E,21072-S-201 Rev E, 21072-S-202 Rev C,
21072-S-301Rev H, 21072-S-302 RevE.

Case Officer: Amanda Coulson

Direct Tel. No. 020 7641
07866037509

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 neighbouring occupiers. This is as set out in Policies 7

and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 3 (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 in writing 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 in writing 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 written 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. (C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and 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. (R46AC)

- 4 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 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects because of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the draft Environmental Supplementary Planning Document (May 2021). (R48AB)

5. The louvre screens must be installed prior to the ASHP's and associated plant being operational. The louvre screens must be maintained and retained so long as the ASHP and associated plant is in use and shall not be removed unless agreed in writing by the local planning authority .

Reason : To safeguard the special architectural historic interest of this listed building and this part of the Queensway Conservation Area and to safeguard the amenities of adjoining residents in accordance with policies 7, 33 ,38,39 and 40 of the City Plan 2019-2040(April 2021)

6. The ASHP on the roof 14 shall cease to operate between the hours of 23.00 and 07.00 hours .

Reason To safeguard the amenities to safeguard the amenities of adjoining residents in accordance with

7. 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 Queensway Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

8 The louvres to the plant on roofs 14 and 20 shall be a light grey colour.

Reason

To improve the outlook for adjoining flats and gardens in Westbourne Gardens as set out in policies 7 and 33 of the City Plan 2019-2040 (April 2021)

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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), 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 visit our website at www.westminster.gov.uk/guide-temporary-structures.

CONSIDERATE CONSTRUCTORS:

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

BUILDING REGULATIONS:

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

3. You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (including date decision and planning reference number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
4. Conditions 3,4 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. (182AA)

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.

Item No.
8

Address: Porchester Centre, Porchester Road, London, W2 5HS

Proposal: Installation of two Air Source Heat Pumps and associated plant within new louvred areas at rear roof level. (Linked with 21/08517/COFUL)

Reference: 21/08518/COLBC

Plan Nos: Supporting Information, Location Plan 18481-VE-30-XX-SI-M-5601 Rev PA02 , Design and Access Statement , Heritage Assessment ,Acoustic Report , , Porchester Sun Shading Analysis, , 18481 -VE-30-XX-E-A-XX01 Rev PA0.A ,18481-VE-30-ZZ-DR-M-5604 Rev PA03, 18481-VE-30-RF-DR-M-5602 Rev PA02 ,18481-VE-30-XX-E-A-XX02 Rev PA0.3 , 18481-VE-30-ZZ-DR-M-5605 Rev PA03, 18481-VE-30-RF-DR-M-5603 Rev PA06 , Cable Route drawing and photographs of proposed cable route 2022-02-03 Electrical Sketch, 50634-VE-30-22-DR-ME-5601-C1 GA , Electrical photographs, 21072-S-101Rev G, 21072-S-102 Rev E,21072-S-201 Rev E, 21072-S-202 Rev C, 21072-S-301Rev H, 21072-S-302 RevE.

Case Officer: Amanda Coulson

Direct Tel. No. 020 7641
07866037509

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 Queensway Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040

(April 2021). (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 (March 2021), the City Plan (April 2021), as well as relevant supplementary planning guidance, representations received and all other material considerations. The City Council has had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and has decided that the proposed works would not harm this special architectural or historic interest; or where any harm has been identified it has been considered acceptable in accordance with the NPPF. In reaching this decision the following were of particular relevance:, Policies 38, 39 and 40 of the City Plan 2019 - 2040 adopted in April 2021 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.