



City of Westminster

Committee Agenda

Title:

Planning Applications Sub-Committee (2)

Meeting Date:

Tuesday 1st November, 2022

Time:

6.30 pm

Venue:

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

Members:

Councillors:

Paul Fisher (Chair)
Ryan Jude
Md Shamsed Chowdhury
Barbara Arzymanow



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: gwills@westminster.gov.uk
Corporate Website: www.westminster.gov.uk**

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note any changes to the membership.

2. DECLARATIONS OF INTEREST

To receive declarations by Members and Officers of the existence and nature of any 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.

4. 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.

(Pages 5 - 10)

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/about-council/democracy/stream-council-meetings>

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

- | | | |
|----|---|--------------------------|
| 1. | 6 BEDFORD STREET, LONDON, WC2E 9HZ | (Pages 13 - 44) |
| 2. | 6A LANGFORD PLACE, LONDON, NW8 0LL | (Pages 45 - 78) |
| 3. | APARTMENT 7.01, 9 MARYLEBONE LANE, LONDON, W1U 1DB | (Pages 79 - 100) |
| 4. | UPPER FLOOR, 138 EBURY STREET, LONDON, SW1W 9QQ | (Pages 101 - 124) |

Stuart Love
Chief Executive
21 October 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 26th July, 2022**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Paul Fisher (Chair), Ryan Jude, Ellie Ormsby and Barbara Arzymanow.

1 APPOINTMENT OF CHAIR

1.1 Nominations for the post of Chair were invited. One nomination was received and seconded. There were no further nominations.

1.2 RESOLVED:

That Councillor Paul Fisher be appointed Chair of the Planning Applications Sub-Committee (2).

2 MEMBERSHIP

2.1 It was noted that Councillor Ellie Ormsby was sitting as substitute for Councillor Md Shamsed Chowdhury.

3 DECLARATIONS OF INTEREST

3.1 Councillor Paul Fisher declared that in respect of Item 1, a number of the applications to be considered fall within his ward, West End.

3.2 Councillor Paul Fisher declared that in respect of Item 3, the application to be considered falls within his ward, West End.

3.3 Councillor Barbara Arzymanow declared that in respect of Item 1, a number of the applications to be considered fall within her ward, Marylebone.

3.4 Councillor Barbara Arzymanow declared that in respect of Item 2, the application to be considered falls within her ward, Marylebone. It was wrongly

referred to in the Committee papers as being in West End Ward as the application was submitted prior to the recent boundary changes. The application is now within Marylebone Ward.

4 MINUTES

4.1 RESOLVED:

That the minutes of the meeting held on 31 May 2022 be signed by the Chair as a correct record of proceedings.

5 PLANNING APPLICATIONS

1 MULTIPLE SITES: EDGWARE ROAD, BAKER STREET, WIGMORE STREET, OXFORD STREET AND GREAT TITCHFIELD STREET

Planning permission and advertisement consent for the removal of BT kiosks and installation of a BT Street Hub, incorporating two digital 75" LCD advert screens and telephone, on the pavement in the below locations.

1. 466 - 490 Edgware Road, London, W2 1EJ
2. Edgware Road Station, London
3. 378 Edgware Road, London, W2 1EB
4. 219 Baker Street, London, NW1 6XE
5. 225 Edgware Road, London, W2 1DH
6. 105 Wigmore Street, London
7. 54 Baker Street, London, W1U 7BU
8. Edgware Road and Marylebone Flyover, London
9. 484 - 486 Oxford Street, London, W1C 1NA
10. 334-348 Oxford Street, London, W1C 1JG
11. 149-151 Oxford Street, London
12. 354-358 Oxford Street, London, W1C 1JQ
13. 386 Oxford Street, London, W1C 1JS
14. 2A Great Titchfield Street, London, W1W 8AP
15. Junction of Oxford St and John Prince's St, London, W1B 2AE

The Presenting Officer tabled the following amendments to the Draft Decision Notice on the planning permissions.

ITEM 1 - MULTIPLE SITES: EDGWARE ROAD, BAKER STREET, WIGMORE STREET, OXFORD STREET AND GREAT TITCHFIELD STREET

Remove Conditions 2,3,4,5,6,7,8,9,10 and 11 from all applications for planning permission (Applications: 1-15).

Add the following conditions to all applications for planning permission:

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

RESOLVED UNANIMOUSLY:

(a) That the Committee granted conditional permission for the following applications:

- i. Application 1: 466 - 490 Edgware Road, London, W2 1EJ
- ii. Application 2: Edgware Road Station, London
- iii. Application 3: 378 Edgware Road, London, W2 1EB
- iv. Application 4: 219 Baker Street, London, NW1 6XE
- v. Application 5: 225 Edgware Road, London, W2 1DH
- vi. Application 6: 105 Wigmore Street, London
- vii. Application 7: 54 Baker Street, London, W1U 7BU
- viii. Application 8: Edgware Road and Marylebone Flyover, London
- ix. Application 9: 484 - 486 Oxford Street, London, W1C 1NA
- x. Application 10: 334-348 Oxford Street, London, W1C 1JG
- xi. Application 11: 149-151 Oxford Street, London
- xii. Application 12: 354-358 Oxford Street, London, W1C 1JQ
- xiii. Application 13: 386 Oxford Street, London, W1C 1JS
- xiv. Application 14: 2A Great Titchfield Street, London, W1W 8AP
- xv. Application 15: Junction of Oxford St and John Prince's St, London, W1B 2AE

(b) That the Committee granted conditional advertisement consent for the following applications:

- i. Application 1: 466 - 490 Edgware Road, London, W2 1EJ
- ii. Application 2: Edgware Road Station, London
- iii. Application 3: 378 Edgware Road, London, W2 1EB
- iv. Application 4: 219 Baker Street, London, NW1 6XE

- v. Application 5: 225 Edgware Road, London, W2 1DH
- vi. Application 6: 105 Wigmore Street, London
- vii. Application 7: 54 Baker Street, London, W1U 7BU
- viii. Application 8: Edgware Road and Marylebone Flyover, London
- ix. Application 9: 484 - 486 Oxford Street, London, W1C 1NA
- x. Application 10: 334-348 Oxford Street, London, W1C 1JG
- xi. Application 11: 149-151 Oxford Street, London
- xii. Application 12: 354-358 Oxford Street, London, W1C 1JQ
- xiii. Application 13: 386 Oxford Street, London, W1C 1JS
- xiv. Application 14: 2A Great Titchfield Street, London, W1W 8AP
- xv. Application 15: Junction of Oxford St and John Prince's St, London, W1B 2AE

(c) That the Committee granted the amendments to the Draft Decision Notice on the planning permissions as tabled by the Presenting Officer.

2 HARLEY STREET UNDERGROUND CAR PARK, QUEEN ANNE MEWS, LONDON, W1G 9HF

Use of part of basement level 1 for storage or distribution uses (Class B8).

Late representations were received from local residents (23/07/22) and (undated).

RESOLVED: Councillor Fisher – Grant, Councillors Arzymanow, Jude and Ormsby – Defer

That the Committee decided that the decision on this Item be deferred to a later meeting of the Committee due to the following reasons:

- 1) That the Committee would like to receive information on the electric charging batteries associated with the e bikes/ e mopeds as there are fire safety concerns about the proposed use.
- 2) That the Committee would like to seek advice from the London Fire Brigade on the issue detailed above.
- 3) That the Committee would like to receive information on the case cited by Councillor Arzymanow about fire safety within a basement car park.
- 4) That the Committee would like to receive information regarding the applicant's staff Code of Conduct.
- 5) That the Committee would like to receive more information on the type of vehicles as well as servicing and deliveries.

3 1B-1C TOTTENHAM COURT ROAD, LONDON, W1T 1BB

Use of part ground and first to fourth floors as offices (Class E).

RESOLVED UNANIMOUSLY:

That permission is refused on the basis that it would mean the loss of the existing Community Infrastructure and Facilities which should be preserved. Whilst the application could promote small office growth, it is a modest benefit which does not outweigh the loss of Community Infrastructure and Facilities and alternative social infrastructure use of the space should be considered if the demand is there.

The meeting ended at 20:38.

CHAIR: _____

DATE _____

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Agenda Annex

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 1st November 2022
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
1.	RN(s): 22/01596/FULL 22/01873/LBC St James's	6 Bedford Street London WC2E 9HZ	Use of ground floor and basement as public house (sui generis). External and internal alterations including new entrance doors and modifications to windows/ shopfronts; and replacement ventilation system, and installation of awnings.	JD Wetherspoon PLC
	Recommendation 1. Grant conditional permission. 2. Grant conditional listed building consent 3. Agree reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter			
Item No	References	Site Address	Proposal	Applicant
2.	RN(s) : 22/01054/FULL Abbey Road	6A Langford Place London NW8 0LL	Demolition of the existing 3-storey dwelling house, erection of a replacement dwelling house with hipped roof over four storeys (plus basement), with front and rear lightwells, alterations to front boundary including installation of vehicular and pedestrian gates, new hard and soft landscaping and all associated works including air source heat pumps.	Mr K Go
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Applicant
3.	RN(s): 22/02368/FULL West End	Apartment 7.01, 9 Marylebone Lane London W1U 1DB	Creation of a roof terrace at main roof level with metal balustrades, roof access hatch and planter and relocation of nine PV panels and satellite to adjoining green roof.	MVP Property Trust
	Recommendation Grant conditional permission			
Item No	References	Site Address	Proposal	Applicant
4.	RN(s) : 21/00868/FULL Knightsbridge & Belgravia	Upper Floor 138 Ebury Street London SW1W 9QQ	Installation of air-conditioning unit in enclosure formed of a flat roof at the first-floor rear elevation.	Gemma Dreelan
	Recommendation Grant conditional permission.			

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Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 1 November 2022	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved St James's	
Subject of Report	6 Bedford Street, London, WC2E 9HZ		
Proposal	Use of ground floor and basement as public house (sui generis). External and internal alterations including new entrance doors and modifications to windows/ shopfronts; and replacement ventilation system, and installation of awnings.		
Agent	Nineteen47 Ltd - Carl Stott		
On behalf of	JD Wetherspoon PLC - Simon Barratt		
Registered Number	22/01596/FULL and 22/01873/LBC	Date amended/ completed	26 August 2022
Date Application Received	10 March 2022		
Historic Building Grade	Grade II		
Conservation Area	Covent Garden		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

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

2. SUMMARY & KEY CONSIDERATIONS

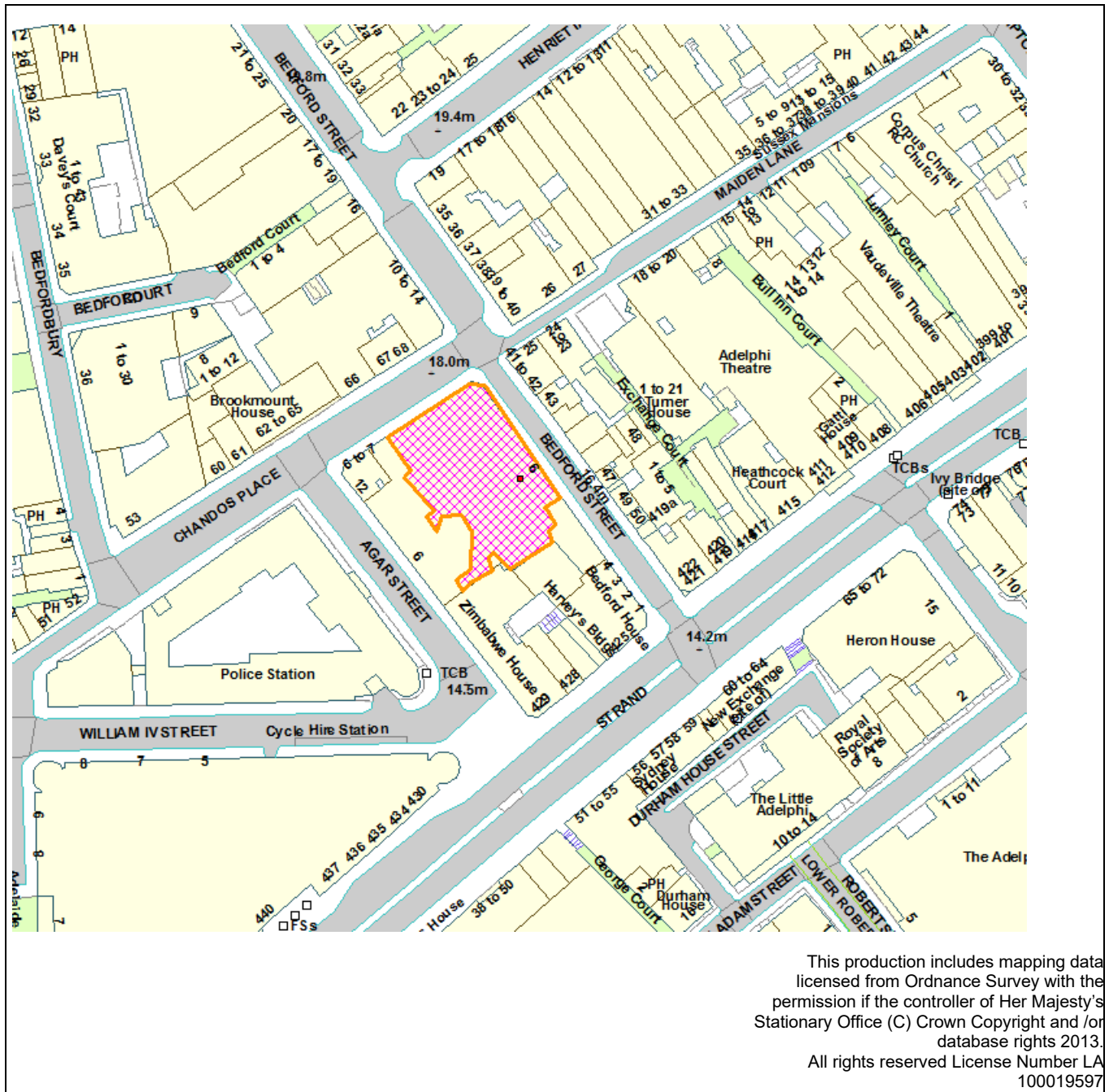
The application building comprises 4-6 Bedford Street and 1-5 Chandos Place, it is grade II listed and is within the Covent Garden Conservation Area. The application site is 6 Bedford Street and it comprises part of the ground and basement floor levels. The application proposes to change the use of 6 Bedford Street from a restaurant unit (formerly TGI Fridays) to a public house. The applicant is JD Wetherspoon PLC. The application also proposes internal and external alterations.

The key considerations in this case are:

- The acceptability of a public house in this location in land use terms;
- The impact of the use and proposed equipment on the amenity of neighbouring residential properties and local environmental quality;
- The impact of the proposed alterations on the significance of the listed building and the character and appearance of the Covent Garden Conservation Area.

As set out in this report and following amendments to the proposal (including a reduction in opening hours), the proposed development accords with the relevant policies in the Westminster's City Plan 2019 – 2040 (the City Plan), the London Plan and the guidance set out in the Mayor's Culture and the Night Time Economy Supplementary Planning Guidance (SPG). The application is therefore considered acceptable in land use, design, heritage and amenity terms, and is recommended for approval subject to the conditions set out in the draft decision letters.

3. LOCATION PLAN



4. PHOTOGRAPHS



5. CONSULTATIONS

5.1 Application Consultations

COVENT GARDEN AREA TRUST:

The Covent Garden Area Trust objects. The proposals are contrary to the London Plan and Westminster's City Plan, particularly City Plan Policy 16. The proposals would:

- Impact on residential amenity through an increase in noise and anti-social behaviour. There would be a significantly different impact on noise and anti-social behaviour levels between the restaurant and public house.
- Over-concentration of uses a public house / bar uses within the area. There are 9 within 150m of the site.
- Impacts on existing businesses and public houses within area. This type of public house which offers low-cost drinking would put pressure of smaller, traditional and historic public houses in the area.

If the Council chooses to grant permission for change of use despite these significant issues, it should restrict its hours of operation to the hours within which it is proposing to serve food 08.00-23.00 daily. This will shift the inevitable negative impacts of noise and anti-social behaviour disturbances to an earlier time.

COVENT GARDEN COMMUNITY ASSOCIATION:

Covent Garden Community Association objects. Extraordinary to suggest a public house will not have a significantly different impact on neighbours compared to a restaurant – this public house will impact residential amenity.

The public house will lead to an over-concentration of this type of use within the area. There are 9 within 150m of the site and adding to this would lead to an over-concentration of that type of use. A management plan has not been provided. The application is contrary to various relevant London Plan and Westminster City Plan policies.

The noise assessment is inadequate in terms of assessing existing noise levels. Concern raised regarding noise escape, even though there are lobby doors (as both can be left open). Concern also raised regarding the impact of servicing. If the Council is, despite this, minded to grant permission for a change of use then it should restrict the hours of operation of the premises to those during which they are proposing to serve food, that is 08:00-23:00 on all days of the week. This will reduce the negative impact because customers will at all times at least be able to choose consume food, even if they do not do so. It should also impose conditions on the hours for deliveries and waste collection as set out above.

ENVIRONMENTAL HEALTH:

The applicant kitchen and extract information is acceptable, although details of the system should be secured by condition and the applicant should be advised on requirements for a discharge that condition. The hours of operation should be limited to 08:00 to 00:00hrs (midnight) Monday to Saturday and to 23:30hrs Sunday. No objections to the capacity. The windows should be controlled so not open except between 08:00

and 22:00hrs, and there are further clarifications required regarding the detailed operations of the unit.

WASTE PROJECT OFFICER:

Waste and recycling storage not in line with the City Council's requirements.

HIGHWAYS PLANNING TEAM:

The proposed site is well served by public transport and there is no significant change in pedestrian or vehicular traffic expected from the use of ground floor and basement as public house (sui generis). It is considered that in terms of people arriving and departing, the levels would not be significant in highways planning terms.

Details of waste and cycle storage arrangements should be provided (could be secured by condition)

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 91

Total No. of replies: 29

No. of objections: 29

No. in support: 0

In summary 25 neighbours, representatives of two local groups/ resident associations and two landowners (Capital and Countries and the Mercers' Company) object on the following summarised grounds:

Land use:

- The proposals would lead to an over concentration of public houses in the area;
- A drinking establishment would harm the character of the area;
- A public house of this size and type of out of place in the area;
- This public house is 'low brow' compared to the rest of the area;
- Is a drinks led operation not a food led one;

Amenity:

- Would harm residential, business cultural and religious amenity
- The public house would result in a significant increase in noise in the area, in particular a cumulative impact;
- The late opening would worsen noise and anti-social behaviour (which is already a significant issue);
- Would worsen safety in the area;

Environmental Quality:

- Low level extract system could harm local environmental quality, and a full height option to reduce existing has not been properly investigated

Highways:

- Would cause further congestion in the area;
- Servicing and delivery would result in noise

Other:

- Lack of public engagement or consultation.

PRESS NOTICE/ SITE NOTICE:

Yes

5.2 Applicant's Pre-Application Community Engagement

The applicant did not carry out pre-application community engagement.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London 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 Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 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.

6.2 Neighbourhood Planning

The application site is not located within an area covered by a Neighbourhood Plan.

6.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

The application building is located at the junction of Bedford Street and Chandos Place. It comprises 4-6 Bedford Street and 1-5 Chandos Place. The building, which was built in 1876/7, is grade II listed and is within the Covent Garden Conservation Area. The building suffered a fire in the 1980s, gutting it internally. Externally, the front facades have been restored.

The application site is 6 Bedford Street and it comprises part of the ground and basement floor levels of the building. It is a restaurant unit (class E) that is currently vacant. It was formerly a TGI Fridays. The upper floors of the building are offices. Other

parts of the ground floor are used as communal areas for all tenants of the building. The site is within the Central Activities Zone, the West End Retail and Leisure Special Policy Area (WERLSPA) and West End Strategic Cultural Area.

7.2 Recent Relevant History

None relevant.

8. THE PROPOSAL

The application proposes to change the use of 6 Bedford Street from a restaurant (class E) to a public house (sui generis). The applicant is JD Wetherspoon PLC, and they propose to use this site like their other public houses. This includes offering food, opening in the morning and playing no music. The application also proposes internal and external alterations, including the installation of a new ventilation system (involving the removal of an existing duct) alterations to the ground floor shopfronts and internal alterations.

Table: Existing and proposed land uses.

Land Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Restaurant (Class E)	1,118	0	-1,118
Public House (Sui Generis)	0	1,118	+1,118
Total	1,118	1,118	0

9. DETAILED CONSIDERATIONS

9.1 Land Use

Land Use Policy Overview

The NPPF supports positive planning for the provision of community facilities including public houses. The London Plan also recognises the important role that public houses can play in the social fabric of communities, meeting local needs, and supporting the night-time economy in the CAZ (London Plan Policies HC6 and HC7). The Mayor's Culture and the Night Time Economy SPG is also a material consideration in planning decisions. This promotes the night-time economy, particularly in the CAZ, and states boroughs should support proposals for new public houses, where appropriate.

City Plan Policy 1 sets out Westminster's spatial strategy, it seeks to ensure the competing functions of the CAZ are balanced and supports the intensification of the CAZ and the West End to provide growth in leisure. Policy 2 relates to the WERLSPA and seeks improved leisure experiences and a diverse evening and night-time economy.

City Plan Policy 16 relates to food, drink and entertainment and states proposals for food and drink and entertainment uses will be of a type and size appropriate to their location. It notes that 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. In relation to public houses specifically, the supporting text notes they can play an important role as social hubs at the heart of communities, add to the diversity of commercial areas, and make a positive contribution towards townscape and local identity. The policy notes the loss public houses throughout the city in recent years, despite that the fact they help make the city a desirable place and recognises the importance of retaining/ supporting them in the city.

City Plan Policy 7 states development will be neighbourly, including by protecting neighbouring amenity. City Plan Policy 33 state the council will make sure that quality of life and health and wellbeing of existing occupiers are not adversely affected by harmful pollutants and other negative impacts on the local environment.

Consideration

The site is between the Strand and Covent Garden CAZ Retail Clusters. Bedford Street is largely commercial at ground level and has a prominently commercial character, typical of the WERLSPA and this part of the CAZ. However, residential units can be found on the upper floors of some of the buildings on the street and adjacent streets. This does not include the application building but does include some of the opposing buildings on Bedford Street, including 43, 44, 46 and 49, and nearby Bedford House (2-3 Bedford Street), 25 Maiden Lane, 12 Agar Street and other properties on Exchange Court.

In terms of existing nearby public houses and bars, there are numerous. This includes a themed bar Mr Fogg's at 1 Bedford Street, the Porterhouse at 21-22 Maiden Lane, All Bar One at 19 Henrietta Street, Blame Gloria at 20 Bedford Street and Retro Bar on George Court. Bedford Street and the area also contains numerous restaurants, although typically smaller than the vacant restaurant unit this application relates.

The proposal involves losing the existing restaurant to create a large public house, approximately 1,118 sqm (GIA). The principle of losing the restaurant to another use that serves visiting members would accord with aims of the City Plan, but in this case that is subject to the acceptability of the alternative large drinking establishment use. Larger uses of this type can have a disproportionate impact on residential amenity and local environmental quality and can contribute to the loss of character, and unacceptably change the function of an area. They have the greatest potential to generate noise and disturbance in nearby streets and to adversely affect local amenity. Although, there can be considerable variation between the effects of different types of food / drink / entertainment uses.

The objectors contend the proposed public house here would result in noise disturbance, nuisance and other environmental impacts harmful to residents and others in the area. Some contend it would lead to an over-concentration of public houses/ bars in the area. Some consider it would negatively impact on the character and quality of the area.

During the course of the application, the applicant updated their submission with new acoustic information, a management plan and environmental performance statement to better justify their proposals.

During engagement with one of the City Council's Environmental Health Officers, and

following objections, the applicant agreed to revisions to their operations including a reduction in the opening hours. The applicant originally proposed operating house to be 08:00 to 00:30hrs Monday to Thursdays; to 01:30hrs Fridays and Saturdays, and to 00:00hrs Sundays, but have since agreed to 08:00 to 00:00hrs (midnight) Monday to Saturday and to 23:30hrs Sunday.

These proposed hours terminate earlier than that which TGI Fridays was allowed to operate under. Licensing records indicate that TGI Fridays operated under a licence that allowed them to sell alcohol between 10:00 to 00:00hrs (midnight) Monday to Thursday, to 01:00hrs Friday to Saturday and to 23:30hrs Sunday. The other licensable activities authorised by that licence include playing of recorded music; late night refreshment (allowed half an hour beyond sale of alcohol); and private entertainment consisting of dancing, music or other entertainment of a like kind for consideration and with a view to profit.

While the City Council's licencing policy is to refuse application for new licenses for public houses/ bar within the West End Cumulative Impact Zone (which 6 Bedford Street is a part), the existing license would already allow the premises to operate as a public house (although the applicant may need to vary the licence, and this would be a separate process to a planning application). In planning terms however, because the lawful use of the site is as a restaurant, planning permission must be obtained to use the premises as a public house (as it is a sui generis use).

While the public house would measure 1,118 sqm (GIA), which would be a large drinking establishment use, the area to be used by public house customers would be smaller as the basement is not accessible to customers and because there would be significant back of house areas at ground floor (not all of which is within the applicant's sole control as it is shared with other users of the building). The applicant states that the premises would have maximum capacity of 590 customers. The public house would provide 216 covers (seats) and because these tables and chairs would cover most of the internal area, the applicant considers it is highly unlikely that there would ever be 590 customers on site. It is acknowledged that this notional capacity is greater than TGI Fridays. Although, the applicant's submission explains that on average, more than half (59%) of all visits to their public houses involve both food and drink purchases, whilst its wet-to-dry split of sales in new openings is approximately 50:50.

During the course of the application, the applicant amended the design of the shopfront to reduce the number of openable windows. In total, five small shopfront windows at high level would have the capability of opening partially during periods of warm weather. In discussion with one of the City Council's Environmental Health Officers, it was agreed that these remaining openable windows should only be opened between 08:00 and 22:00hrs to limit noise escape. The applicant notes that their public houses do not play amplified music.

The applicant also updated their acoustic information and their assessment of noise breakout. The acoustic information assesses the existing minimum background noise level outside various residential properties within the area. The City Council's Environment SPD requires the noise level generated from new uses and plant equipment to be below the existing minimum external background noise level at the nearest noise sensitive receptor. The applicant has calculated the breakout noise level

at various receptors. Their calculations, which assume the five small windows are open, demonstrate the noise generated would be below the SPD's required noise level at the nearest noise sensitive properties, and City Council's Environmental Health Officers are satisfied with this.

The unit would not benefit from an external area for customers, and therefore customers wishing to smoke would do so outside the front of the building. The management plan submitted by the applicant commits staff to ensuring this area is checked and cleaned on a regular basis throughout the trading day, and that customers who are loud or otherwise generating a nuisance are reminded to be quiet, or if it persists are ordered to leave.

The management plan explains there are likely to be 35 to 40 staff on duty at any one time, and during peak trading times, the public house would include door staff who will manage the entrance to the premises and the areas to the frontages of the public house to avoid overcrowding. This allows customer numbers and the doors to be managed and to allow proper management of the area outside the entrance and to minimise the risk of noise disturbance. The management plan also sets out procedures for security, dealing with any complaints and a process to liaise with neighbours to manage operational issues with engagement of those nearby.

The impacts in terms of noise and odour from plant and the kitchen extract system is discussed in section 9.5 of this report, where it is explained that these elements would not harm the amenity of neighbours or local environmental quality. The impacts in terms of servicing and deliveries are discussed in section 9.6, where it is explained these could be carried out without harm to the amenity of neighbours or local environmental quality.

Land use conclusion

While generally public houses have greater potential to generate noise disturbance and other nuisances when compared to restaurant uses, in this case, with appropriate conditions to control its operations, it is considered that the public house could operate without causing notable harm.

The public house is located within a predominately commercial part of the CAZ. While there are existing food and drink and entertainment uses in the area, the proposals would not lead to an increase in the number of these (i.e., would not lead to an over concentration) because the site is already a large restaurant. Objectors are of course correct however that the development would lead to an increase in the number of public houses / bars in the area.

While public houses can have the capacity to generate more harmful impacts as compared to a restaurant, in this case the terminal hour of operation would be earlier than that which the former restaurant operated under. Further, food provision is a significant portion of the applicant's business, they would not play music and the applicant has agreed to suitable procedures to manage the premises – all of which would mitigate the impact of the change of use.

An updated management plan is recommended to be secured by condition to reflect the changes to hours and other operational changes agreed during the course of the

application.

In these circumstances, the change of use to a public house would not represent a significant worsening of the situation as compared to the restaurant in terms of impact residential amenity or local environmental impacts as compared to the restaurant. As such, this unit is of a type and size appropriate to this location.

Conditions are also recommended relating to capacity, hours of operation, the windows, the doors and to prevent the playing of music and drinking outside. In these circumstances, the proposals would accord with the NPPF, the City Plan, the London Plan and the Mayor's Culture and the Night Time Economy SPG and so is considered acceptable in land use terms.

9.2 Environment & Sustainability

City Plan Policies 36 and 38 expects all development to reduce on-site energy demand and maximise the use of low carbon energy sources to minimise the effects of climate change and seek to ensure development responds to the likely risks and consequences of climate change by incorporating principles of sustainable design, including providing flexible spaces, enabling incorporation of future services/ facilities, optimising resource and water efficiency and minimising the need for plant and machinery.

The applicant has provided an Environmental Performance Statement to support their proposals, which explains how the applicant has designed the alterations the building to achieve improve energy efficiency, following the energy hierarchy. The statement details the baseline energy requirements for the site and the reduction in energy demand as a result of energy efficiency measures. These energy efficiency measures include the installation of heat pumps and insulation. These measures accord with the aims of the City Plan and are therefore acceptable.

9.3 Biodiversity & Greening

The proposals do not increase biodiversity / provide greening. While unfortunate it is recognised that there is limited to no scope to provide this on this site.

9.4 Townscape, Design & Heritage Impact

Legislative and Policy Overview

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 (the LBCA Act) 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 LBCA 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 LBCA 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.

City Plan Policy 38 states new development will incorporate exemplary standards of high quality, sustainable and inclusive urban design. And, respond to Westminster's context by positively contribution to Westminster's townscape and streetscape.

City Plan Policy 39 states that works to listed buildings will preserve their special interest, relating sensitively to the period and architectural detail of the building and protecting or, where appropriate, restoring original or significant detail and historic fabric. Conservation Areas must also have their character and appearance preserved or enhanced by development.

City Plan Policy 40 states that development will sensitively designed, having regard to the prevailing, scale, heights, character, building lines and plot widths, materials, architectural quality, and degree of uniformity in the surrounding townscape.

Consideration

The building was built between 1876-77 by the Bradford practice of Lockwood and Mawson for the Civil Service Supply Association. As the building was gutted internally by fire in the 1980s, the listed building's special interest primarily relates to its external façades which have been retained and restored. The facades are red brick and terracotta. The building has a solid pedimented corner entrance with incised ornament and the ground floor windows which are recessed between brick piers. The facades have a Roman Renaissance style, plus the building contains roof storeys.

The proposed alterations externally would be at ground floor mainly and would seek to restore a more historically appropriate frontage to the building with a more traditional entrance door arrangement to the corner and the reintroduction of properly moulded shopfront detailing such as raised and fielded timber panels under the windows.

In keeping with the historic elevation, it is also proposed to remove the later granite infill from under the windows and replace this with bespoke faience tile details, which are recommended to be secured by condition to ensure an acceptable appearance. In concert, the works would enhance the historic significance of the building by returning it closer to its pre-fire appearance and thereby would enhance the conservation area.

To the rear, the proposals involve the removal of a high level duct, which is within a group of high level ducts. The remaining ducts are unconnected to the application site. The removal of a duct would constitute an improvement as the existing ducting is unsightly, although there are no public vantage points from which it is visible and they are connected to modern fabric. The replacement equipment would be located to the rear and would overall have a neutral impact on significance to the listed building and conservation area given what it replaces.

The application drawings show the inclusion of awnings. The applicant confirms these will include advertisements, an informative is added remind the applicant advertisement consent is required for these if they are illuminated and have deemed consent if not. Listed building consent is recommended to be granted for them as they are appropriately designed.

9.5 Residential Amenity

Noise, Vibration and Odours from Equipment

The applicant has provided details of the equipment to be associated with the public house, including ventilation and extraction equipment and heating and cooling equipment, and have assessed their impact. The applicant has also assessed the impact of noise associated with the use as a public house (i.e. noise from the customers/ staff) which is discussed in section 9.1 of this report.

In relation to ventilation and extraction, a report has been submitted with the application relating to the proposed bespoke system for the proposed food operation which would discharge at a low level– this will replace the a full height duct. An objector considers a full height duct should be used, as existing. The applicant explains the existing duct has been inspected and it was determined that it had never been cleaned from top to bottom and was a potential fire hazard due to a build-up of grease. The applicant attributes this poor maintenance to limited access which meant cleaning of it was impractical. This is why the applicant proposes an alternative bespoke system.

During the course of the applications, the alternative bespoke system was discussed between the City Council's Environmental Health Officer and the applicant. Subject to a condition to ensure the details of the system are provided, and an informative explaining what will be required, the City Council's Environmental Health Officer raised no objection to it. While the City Council's guidance promotes full height ducts as the starting point for ventilation systems, the City Council's Environmental Health Team have increasingly permitted low-level discharge for new food operators in part because there is now less scope to control where restaurants are located in the city (following changes to Central Government Legislation) – and such systems can be operated without undue harm to neighbours. Nonetheless, because the full height extract is not being maintained/ replaced, an additional condition is recommended to ensure that the applicant submits a post-commissioning report to demonstrate that the alternative bespoke system does not in fact cause a nuisance to neighbours - particularly those within Bedford House who reside closet to it.

In relation to other plant equipment, there would be new equipment placed in the rear courtyard the applicant has assessed its noise and vibration impact within their noise

assessment report and the City Council's Environmental Health Officer agrees it demonstrates there would be no harm impact on nearby noise sensitive properties.

9.6 Transportation, Accessibility & Servicing

Highway Impact

The Highway Planning Manager notes the site is well served by public transport and there would not be significant change in pedestrian or vehicular traffic expected from changing use of ground floor and basement from a restaurant to public house.

Servicing and Waste & Recycling Storage

The existing restaurant benefits from the use of a shared off-street delivery bay accessed from Chandos Place, although the servicing cannot be carried out internally because the delivery bay is not large enough to accommodate vehicles internally. Therefore, vehicles will set down on-street and the deliveries would then be wheeled in and out of the delivery bay area, as was the case with the former restaurant operation. The refuse collection would also continue to occur on street. The applicant explains the servicing frequency will be similar to the former restaurant. The applicant anticipates that there will generally be three to four deliveries per week, with a maximum of five per week. The applicant states that servicing would not be carried out between 22:00 and 07:30hrs the next day. This would mitigate negative impacts from servicing being carried out at anti-social times. While City Plan Policy 29 requires servicing to be off-street, in this case the proposed servicing for the public house would be very similar to the former restaurant operation and therefore it would be unreasonable to oppose a continuation of a similar operation.

Initially, the waste and recycling storage details were not in line with the Council's requirements. During the course of the application, the applicant provided updated drawings to show a suitable waste and recycling area. The applicant explains that this area is generally as per that previously used by the former restaurant operator. The applicant explains that no glass crushers would not be utilised, and no glasses will be emptied from the public house into the large glass bins within this designated area between 23:00 and 08:00 hours – the updated Operational Management Plan / Servicing Plan to be secured by condition will have to contain this detail for that condition to be discharged.

Cycling & Cycle Storage

During the course of the application, the applicant amended their submission to include to include details of London Plan complaint long-stay cycle parking spaces (seven spaces) inside the unit. And a condition is recommended to ensure it is provided. No short-stay cycle parking would be provided. Given the physical nature of the site (the only option would be for customers to bring their bicycles inside the customer area of the unit) and that the proposal is for a drinking establishment, this is not opposed.

9.7 Economy including Employment & Skills

Whilst the development is of insufficient scale to require an employment and skills plan,

it will contribute positively to the local economy during the construction phase through the generation of increased opportunities for local employment, procurement and spending.

The new public house will be staffed by approximately 150 full and part-time employees. While it is unlikely that this is significantly different to the former restaurant when it was operating, it would increase jobs compared to the current vacant situation. The jobs supported by this site will help to promote opportunities for local employment and will lead to increased spending in existing nearby shops and services and other town centre uses in the area.

9.8 Other Considerations

None.

9.9 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

9.10 Planning Obligations & Pre-Commencement Conditions

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

10. Conclusion

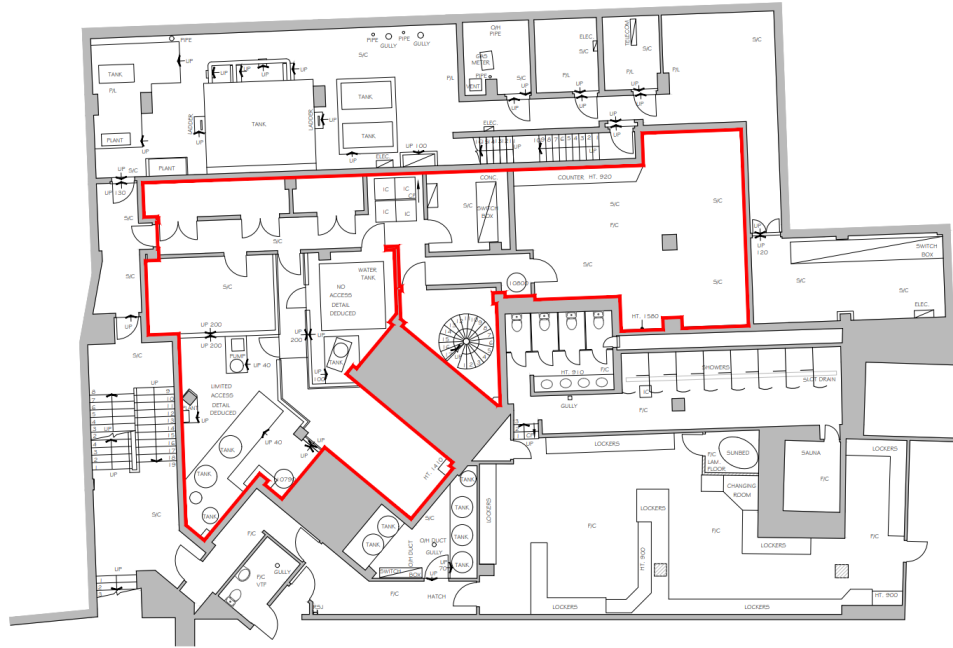
Public houses can support the social fabric of communities, contribute to the vitality of the city and support the evening/ night-time economy. While public houses can also negatively impact on residential amenity and local environmental quality if they are of a type and size inappropriate to the location, in this case the proposed operations and controls would mean the impacts would not significantly worsen when compared to the former restaurant use. The alterations to the building would be sympathetic and would not harm the special interest of the listed building or harm the character and appearance of the conservation area.

As such, the proposal is considered acceptable, and therefore, a recommendation to grant conditional permission and listed building consent would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

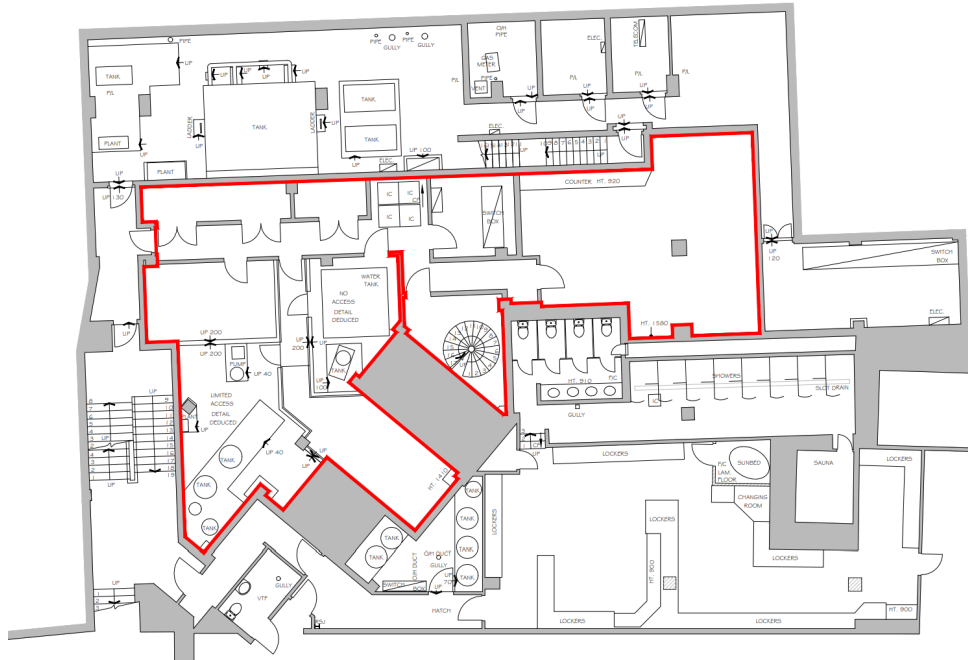
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JOSHUA HOWITT BY EMAIL AT jhowitt@westminster.gov.uk

11. KEY DRAWINGS



EXISTING BASEMENT PLAN
scale 1:100

Existing (above) and Proposed (below) Basement Floor Plans

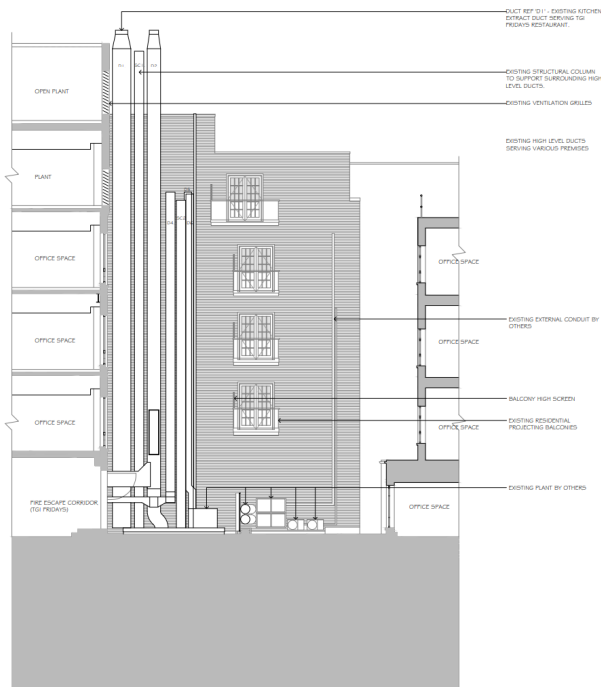


PROPOSED BASEMENT PLAN
scale 1:100



Existing (above) and Proposed (below) Ground Floor Plan



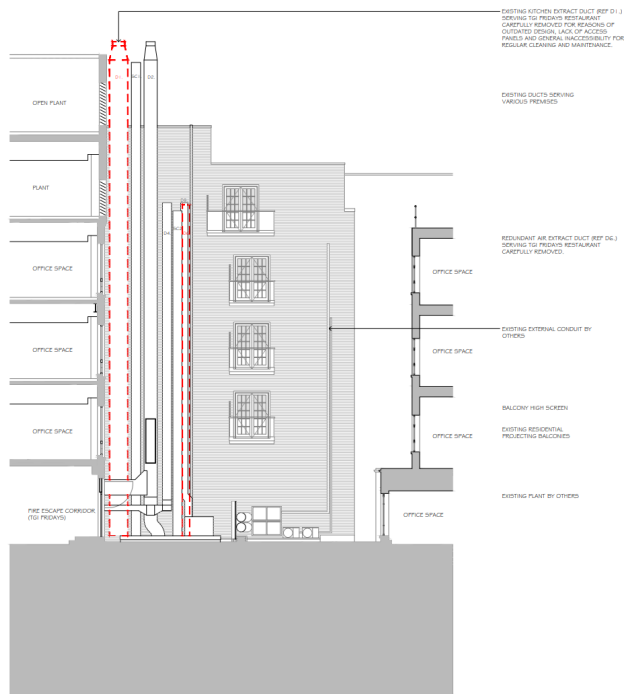


EXISTING REAR INTERNAL COURTYARD - ELEVATION B

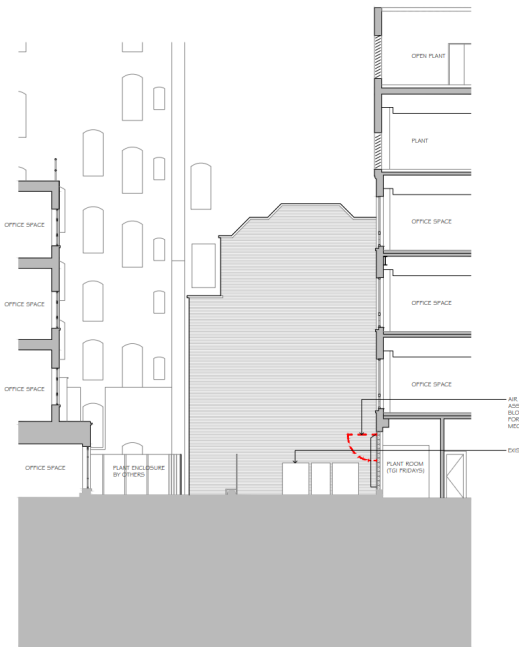


EXISTING REAR INTERNAL COURTYARD - ELEVATION D

Existing (above) and Proposed showing removal in red (below) Courtyard Elevations



PROPOSED REAR INTERNAL COURTYARD - ELEVATION B



PROPOSED REAR INTERNAL COURTYARD - ELEVATION D

DRAFT DECISION LETTER – Planning Application**Address:** 6 Bedford Street, London, WC2E 9HZ**Proposal:** Use of ground floor and basement as public house (sui generis). External alterations including new entrance doors and modifications to windows/ shopfronts; and replacement ventilation system.**Reference:** 22/01596/FULL**Plan Nos:** 7695 PL-001A; 7695 PL-002A; 7695 PL-004A; 7695 PL-005A; 7695 PL-007; 7695 PL-008; 7695 PL-009; 7695 PL-101A; 7695 PL-201B; 7695 PL-301B; 7695 PL-302B; 7695 PL-303; 7695 PL-304; 7695 PL-305; 7695 PL-306A; 7695 PL-307; 7695 PL-308; 7695 PL-309; M0002_0 10.2.2022; M001_R1 13.5.22; JDH002M_0 13.5.2022; Noise Impact Assessment (RK3321/21462/Rev 1 20.05.2022) and note (4 July 2022); Specification & EMAQ Report (3 February 2022)

For Info:

Premises Management Plan (May 2022); Environmental Performance Statement (v4 19th May 2022); Planning Statement (March 2022); Design and Access Statement (February 2022); Cover Letter (1 March 2022); Heritage Assessment (February 2022).

Case Officer: Joshua Howitt**Direct Tel. No.** 07866038007**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 details of the following parts of the development:

- i) new entrance doors and side frames (scale at 1:10 including sections)
- ii) shopfront including raised and fielded panel (scale at 1:10 including sections)
- iii) photographic schedule and manufacture specifications of the faience tiles

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Covent Garden Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

5 The Public House shall not open for business before an updated Operational Management Plan, including a Servicing Management Plan, has been approved by the City Council. The Operational Management Plan must show how you will prevent customers who are leaving the building from causing nuisance for people in the area, prevent customers queuing on the street, manage customers who wish to smoke, prevent customers from taking their drinks outside, and manage servicing. With regards to servicing the plan, it must identify process, internal storage locations, scheduling of

deliveries and staffing, and set out how it will be carried out in a sensitive manner to ensure noise and highway impacts are minimised. You must then carry out the measures included in the approved Operational Management Plan at all times that the Public House is in use.,

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 You must not allow more than 590 customers into the property at any one time, and you must maintain 216 covers (seats) for customers at all times the public house is in use.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet Policy 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05AC)

- 7 You must not play live or recorded music on your property. (C13IA)

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)

- 8 Customers shall not be permitted within the Public House premises before 08:00 or after 00:00hrs on Monday to Saturday and before 08:00 or after 23:30hrs on Sundays.

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)

- 9 You must not sell any take-away food or drink on the premises and you must not operate a delivery service, even as an ancillary part of the primary public house use.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet Policy 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05AC)

- 10 (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 Environmental Supplementary Planning Document (February 2022), 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)

- 11 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 Environmental Supplementary Planning Document (February 2022). (R48AB)

- 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 Environmental Supplementary Planning Document (February 2022), 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 apply to us for approval of details of the ventilation system to get rid of cooking smells, including details of how it will be built and how it will look. You must not begin the use allowed by this permission until we have approved what you have sent us and you have carried out the work according to the approved details. (C14AB)

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)

- 14 You must not operate the ventilation system that we have allowed (other than to carry out the requirements of this condition) until you have carried out and sent us a post-commissioning report showing it has been installed in accordance with the design submitted (under condition 13), demonstrating that no nuisance is being caused after cooking commences, and we have approved the details of this report in writing.

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)

- 15 You must not open the windows before 08:00 and after 22:00 hrs each day.

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)

- 16 The public house use allowed by this permission must not begin until you have fitted an

extra set of doors between the main corner entrance from the street and the customer area, as shown on approved drawing PL-201 rev A. Customers may not use any other doors. The doors fitted to this lobby shall be self-closing doors and you must not leave these doors open except in an emergency or to carry out maintenance. This lobby shall be retained in situ for the life of the development (C13NB)

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)

- 17 You must not allow customers to drink on the pavement outside the premises.

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)

- 18 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number PL-306 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 public house. (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)

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

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 In relation to the kitchen extract system, you are advised the following:

I. A desk-top evaluation of the odour nuisance prevention scheme (Specification and Emaq report) submitted with the application for the proposed food operation is deemed to be satisfactory, report from Purified Air, dated 3rd February 2022.

II. However the scheme proposed in the report does not fully comply with the 'full height' standards - see at, <https://www.westminster.gov.uk/media/document/westminster-guidelines-for-kitchen-extract-ventilation-systems-mar-2021>, Final acceptance of the scheme as being sufficient may therefore require further mitigation works to be carried out if nuisance is being caused post-installation.

III. Any scheme should also contain the following elements:

The kitchen extract duct should be designed to discharge vertically where necessary

All cookline equipment must be placed under the extraction canopy

The general ventilation within the kitchen must be designed to achieve an upper ambient temperature of 25 centigrade and provide sufficient air changes within the workspace in compliance with Building & Engineering Services Association (BESA) guidance DW172 -2018 or as updated

The kitchen extract ducts must be fitted with doors/hatches for cleaning and maintenance, at approximately 2-3 metre intervals or be in compliance with the BESA document TR19 for cleaning and maintenance

Any cladding must be made of non-flammable materials (approved by Building Control and/or Fire Brigade) and still allow access to any cleaning and maintenance doors/hatches.

Access to the ducting must comply with the Health & Safety safe access standards

- 4 You must get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 for the following advertisements: the awning advertisements if they are illuminated. If they are not illuminated they would benefit from deemed consent.

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

DRAFT DECISION LETTER – Listed Building Consent**Address:** 6 Bedford Street, London, WC2E 9HZ**Proposal:** External and internal alterations, including new entrance doors and modifications to windows/ shopfronts; and replacement ventilation system, installation of awnings, all in connection with use as a Public House (sui generis).**Reference:** 22/01873/LBC**Plan Nos:** 7695 PL-001A; 7695 PL-002A; 7695 PL-004A; 7695 PL-005A; 7695 PL-007; 7695 PL-008; 7695 PL-009; 7695 PL-101A; 7695 PL-201B; 7695 PL-301B; 7695 PL-302B; 7695 PL-303; 7695 PL-304; 7695 PL-305; 7695 PL-306A; 7695 PL-307; 7695 PL-308; 7695 PL-309; M0002_0 10.2.2022; M001_R1 13.5.22; JDH002M_0 13.5.2022;

For Info:

Planning Statement (March 2022); Design and Access Statement (February 2022); Cover Letter (1 March 2022); Heritage Assessment (February 2022).

Case Officer: Joshua Howitt**Direct Tel. No.** 07866038007**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:

To protect the special architectural or historic interest of this listed building. This is as set out in Policy 39 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BE)

- 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 Covent Garden 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 details of the following parts of the development:

- i) new entrance doors and side frames (scale at 1:10 including sections)
- ii) shopfront including raised and fielded panel (scale at 1:10 including sections)
- iii) photographic schedule and manufacture specifications of the faience tiles.

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Covent Garden 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.

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Agenda Item 2

Item No.

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 1 November 2022	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved Abbey Road	
Subject of Report	6A Langford Place, London, NW8 0LL		
Proposal	Demolition of the existing 3-storey dwelling house, erection of a replacement dwelling house with hipped roof over four storeys (plus basement), with front and rear lightwells, alterations to front boundary including installation of vehicular and pedestrian gates, new hard and soft landscaping and all associated works including air source heat pumps.		
Agent	Mr J Daniels		
On behalf of	Mr K Go		
Registered Number	22/01054/FULL	Date amended/ completed	18 February 2022
Date Application Received	18 February 2022		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY & KEY CONSIDERATIONS

<p>The application proposes the demolition of the existing 3-storey dwelling house and the erection of a replacement four storey (plus basement), dwelling house with hipped roof, front and rear lightwells, alterations to front boundary including installation of vehicular and pedestrian gates, new hard and soft landscaping, air source heat pumps.</p>

<p>Objections have been received from 4 residents and the St Johns Wood Society on the grounds of design including the impact on the St Johns Wood Conservation Area and the adjacent listed building, the bulk, height and detailed design of the replacement building and amendments to the</p>

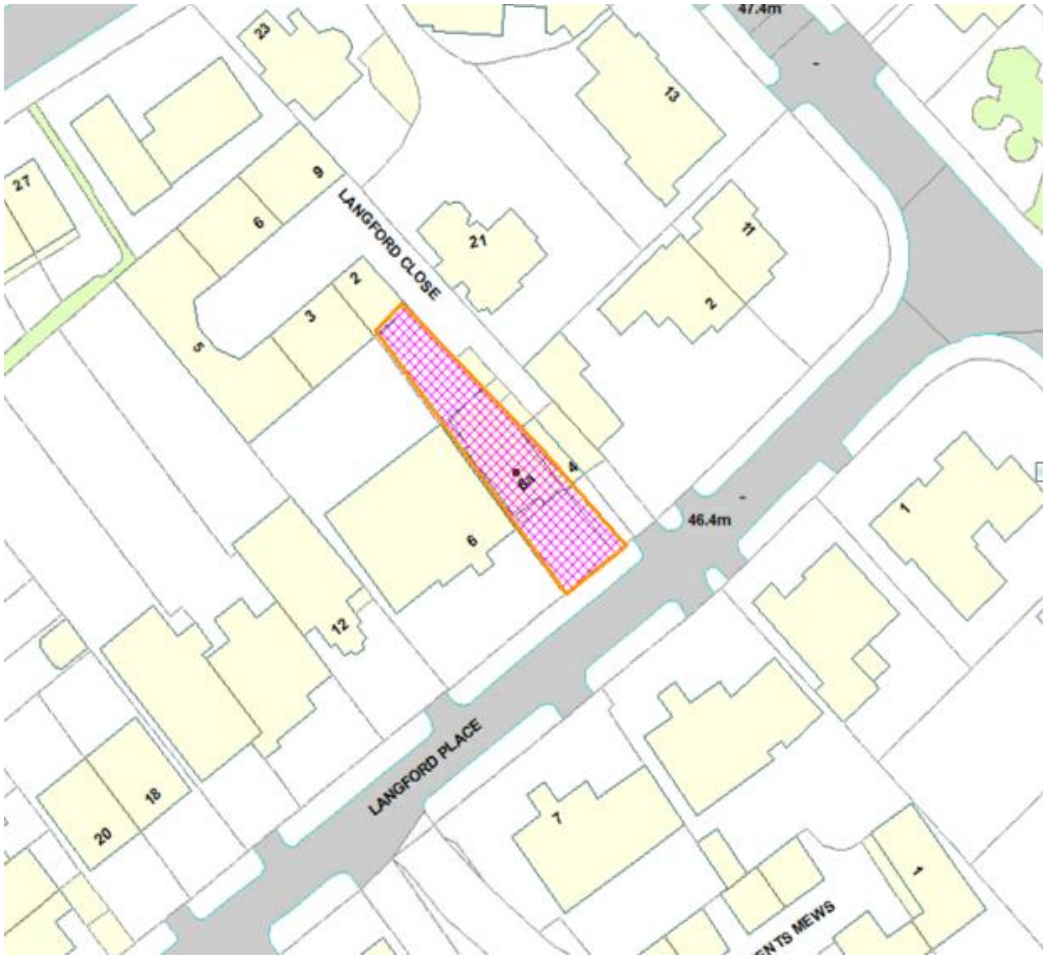
front boundary, the impact on amenity including loss of sunlight/daylight to neighbouring buildings and overlooking and noise and the impact of the basement on trees.

The key considerations in this case are:

- The acceptability of the proposed buildings in design terms.
- The impact of the proposed buildings on the character and appearance of the Conservation Area and the setting of other nearby designated heritage assets, such as the grade II listed buildings adjoining the site.
- The impact on the amenity of neighbouring residential properties.
- The acceptability of the energy performance of the proposed building.

The proposals are not considered harmful to the character and appearance of the property or detrimental to the character and appearance of Bayswater Conservation Area. The application is being recommended for conditional approval as set out on the draft decision letter at the end of this report.

3. LOCATION PLAN



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4. PHOTOGRAPHS

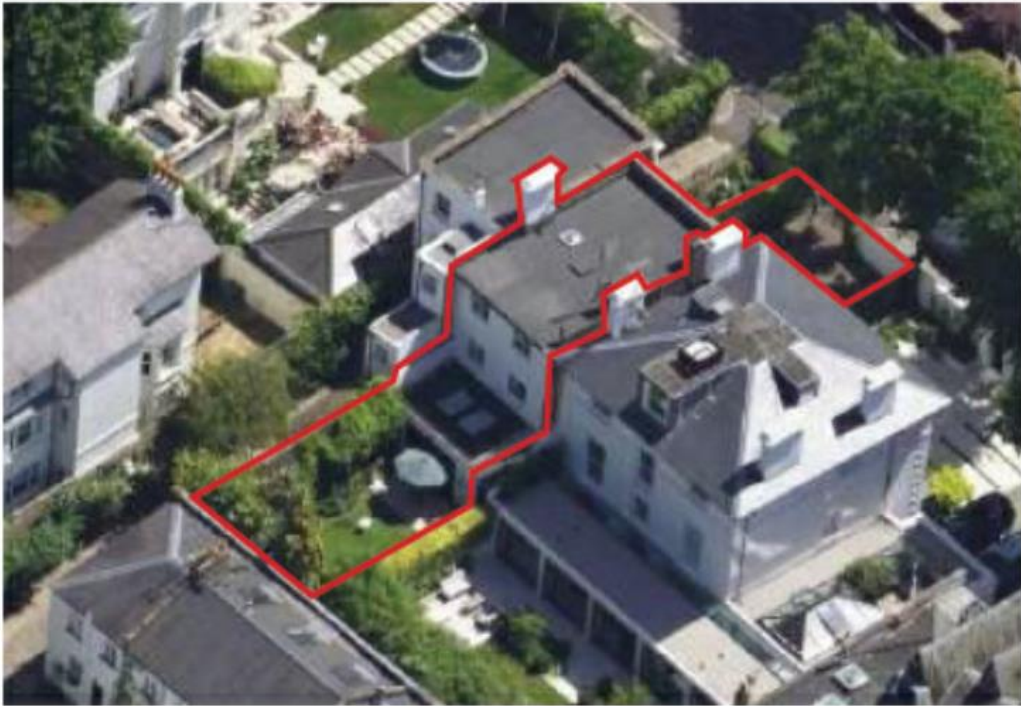
Front Elevation



Rear Elevation (taken from applicants submission)



Aerial Images (taken from applicants submission)



5. CONSULTATIONS

5.1 Application Consultations

WARD COUNCILLORS:
Any response to be reported verbally

ST JOHN'S WOOD SOCIETY:
Objection to the overdevelopment of site and negative impact on Conservation Area. Object to roof which dominates building and has an uncomfortable relationship with adjoining buildings. The proposals have a negative impact on setting of adjacent listed building. The detailed fenestration has poor solid to void relationship. Requests are made for the arboricultural manager to ensure that no trees amenity value is damaged or lost and that a case officer visits property to assess amenity impact.

HISTORIC ENGLAND:
Do not consider necessary to be notified to Historic England

ENVIRONMENTAL SCIENCES:
No objection subject to conditions.

HIGHWAYS PLANNING MANAGER:
Acceptable with conditions

WASTE PROJECT OFFICER:
No objection subject to condition securing waste storage provision according to revised plans.

BUILDING CONTROL:
No objection.

ARBORICULTURAL OFFICER:
No objection subject to tree protection conditions

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED:

No. Consulted: 29
Total No. of replies: 4
No. of objections: 4
No. in support: 0

Four objections received on some or all of the following grounds:

- Design**
- Appearance of the scheme;
 - Excessive height of the scheme - out of keeping with neighbouring properties roofline;
 - Excessive bulk for site;
 - Proposed treatment of front boundary would be detrimental to the character of the conservation area;

- Potential damage to wall of mews to rear;
- Block view of terraces of 5 and 6 Langford Close.

Amenity

- Loss of sunlight/daylight to mews and Langford Close and Langford Place;
- Noise and overlooking to mews from introduction of balcony at first floor level.

Trees

- Impact of basement on existing trees and future planting.

Other

- Concerns regarding structural safety of wall on eastern side of 6A's garden;
- Concerns regarding impact of demolition and basement construction on structure of neighbouring buildings;
- Noise and disturbance of construction works on people working from home.

PRESS NOTICE/ SITE NOTICE:

Yes

5.2 Applicant's Pre-Application Community Engagement

Formal pre-application engagement is not required for a development of this scale although it is encouraged by the City Council for all development. No community engagement was carried out with regards to this proposal however the applicant did engage with officers through its pre-application advice service.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London 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 Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 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.

6.2 Neighbourhood Planning

The application site is not located within an area covered by a Neighbourhood Plan.

6.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have

been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

6A Langford Place is a three storey, semi-detached property which is not listed and is located within the St John's Wood Conservation Area. The property is in use as a single family dwelling and benefits from large front and rear gardens.

7.2 Recent Relevant History

17/04128/FULL

Demolition of an existing conservatory and shed structure and erection of ground floor rear extension.

Application Permitted 3 July 2017

17/01905/CLOPUD

Erection of ground floor rear extension.

Application Permitted 2 May 2017

8. THE PROPOSAL

The application proposes the demolition of the existing 3-storey dwelling house and the erection of a replacement four storey (plus basement), dwelling house with hipped roof, front and rear lightwells, alterations to front boundary including installation of new vehicular and pedestrian gates, new hard and soft landscaping, air source heat pumps. The new building would be larger than the existing building with 315sqm of floorspace compared with the existing 196sqm. The new building would approximately match the front and rear building line of the neighbouring buildings. With the exception of small projections beyond the building line at the front and rear which accommodate lightwells and walk on rooflights, the basement would largely be within the new ground floor footprint of the new building. The replacement building is of modern, traditionally inspired design with painted stucco and render walls.

Detailed design amendments were made to the application during the course of consideration including alterations to the front boundary involving a more traditional visually permeable vehicular gate and removal of bin storage access gate and the addition of a sill to the base of the ground floor windows.

9. DETAILED CONSIDERATIONS

9.1 Land Use

The existing building is 196sqm and the proposed replacement building would be 315sqm. Although this is in excess of the 200sqm floorspace limit for new houses in Policy 8 of the City Plan the supporting text of that policy states that the limit will not apply to the replacement of a single dwelling and therefore the proposal would be

acceptable in land use terms.

It is not considered that this proposal represents an over development of the site, as this is a large plot and a proportion of the new space is being created at basement level. Therefore, the objection raised by the St John’s Wood Society cannot be supported in this instance.

9.2 Environment & Sustainability

Sustainable Design

The scheme demonstrates compliance with Policy 38 (Parts D, E and F), as it goes beyond the energy performance minimum standard requirements for a single-family dwelling.

Further justification for demolition was sought and the applicant has demonstrated that options for retrofit were explored, and it was technically not feasible to retain the façade or the structure. The reasons were that the existing façade is underperforming and will not meet the aspirational energy targets and the existing structure cannot incorporate Air-Source Heat Pump technology.

The proposed concrete frame has incorporated underfloor heating connected to the air source heat pump, which would work in reverse for cooling in the summer.

Energy Performance

Policy 36 of the City Plan states that the council will promote zero carbon development and expects “all development to reduce on-site energy demand and maximise the use of low carbon energy sources to minimise the effects of climate change”. It goes on to state "all development proposals should follow the principles of the Mayor of London's energy hierarchy. Developments should be designed in accordance with the Mayor of London's heating hierarchy".

The applicant has shown excellence in design proposal in relation to the energy strategy for the scheme. The proposed u-values align with industry best practice benchmarks, and the Energy Use Intensity is expected to exceed the benchmarks.

The proposal followed the GLA energy hierarchy and has designed out any gas provision. The carbon savings are provided in the table below.

Table: Regulated carbon dioxide savings from each stage of the energy hierarchy.

	Regulated Carbon Dioxide Savings	
	Tonnes CO2 per Annum	%
Be Lean: Savings from energy demand reduction	1.1	27
Be Clean: Savings from heat network	0.0	0

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Be Green: Savings from renewable energy	1.3	34
Cumulative on-site savings	2.4	62

Whole life carbon

The proposed scheme is a single dwelling, therefore a Whole Life Carbon Assessment is not required. The applicant has however provided information on the structural considerations for the scheme, and why a timber frame was considered, but not adopted. The applicant has also provided justification that rammed earth construction is not suitable for a building of these proportions and would likely result in a higher embodied carbon value if suitably stabilised with cement.

Circular Economy

Policy 37C states that developers are required to demonstrate the recycling, re-use and responsible disposal of construction, demolition and excavation waste. The applicant has confirmed that material re-use will be considered once a demolition contractor is appointed. The scheme is not major application, therefore the applicant is not obliged to comply with the Circular Economy policies, however the applicant has confirmed that they would seek the advice of the demolition contractor to reduce waste of construction materials.

Flood Risk & Sustainable Drainage

The site is not located within a Surface Water flood Risk Hotspot or within Flood Zones 2 or 3. Most of the proposed basement would be located under the ground floor of the building with only small projections at the front and rear going beyond this footprint. These areas would largely accommodate lightwells/rooflights for the basement. It is not considered that there will be any significant impact on surface water flooding as a result of the development, however permeable paving is proposed for the areas for parking in the front garden and the rear garden leaves substantial areas of soft/landscaping and planting. The detailed landscaping scheme is recommended to be secured by condition.

Light Pollution

The proposed rooflights to the rear extension and the basement are relatively modestly sized and are not considered likely to result in any significant increase in light pollution.

Land Contamination

The site has been in residential use for some time and there is not considered to be any significant risk of land contamination.

Environment & Sustainability Summary

For a development of this size and nature it is considered that the proposal meets the

City Council's environmental and sustainability policies. The demolition of the existing building has been justified in this instance.

9.3 Biodiversity & Greening

Policy 34B of the City Plan requires that "developments will, wherever possible, contribute to the greening of Westminster by incorporating trees, green walls, green roofs, rain gardens and other green features and spaces into the design of the scheme.

A green roof has been proposed above the ground floor rear extension and it is recommended that the details of this are secured by condition to ensure that it provides good biodiversity properties.

9.4 Townscape, Design & Heritage Impact

Legislative & Policy Context

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 ('the LBCA Act') 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 LBCA 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 LBCA 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(K) in the City Plan 2019-2040 requires that where development will have a visibly adverse effect upon a conservation area's recognised special character or appearance, including intrusiveness with respect to any recognised and recorded familiar local views into, out of, within or across the area, it will not be permitted.

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.

Design

Objections have been received on design grounds, including the appearance of the replacement building, its excessive height and bulk and the proposed treatment of front boundary.

The existing building on the site is of no real architectural or historic significance, nor does it contribute more than neutrally to the character or appearance of the St John's Wood Conservation Area within which it sits. The submitted heritage statement informs this in demonstrating that it is of relatively recent, post-war date, before which the plot was occupied by a side-wing to no.6 next door. The SJCA Audit incorrectly notes the age of the building, although it must of course be recognised that this is not meant as a comprehensive survey of every building. The Audit does more correctly recognise it as a neutral building, rather than an unlisted building of merit or as a negative building.

The principle of replacing the building is considered to be considered compliant with the council's conservation and design policies and guidance, subject to the comparative architectural merits of its replacement.

The application proposes to replace the existing dwelling with a new three-storeys plus mansard dwelling of similar overall size and form, but to a modern but traditionally-inspired design and including a basement beneath and new boundary treatments to the front, and new hard and soft-landscaping to the front and rear.

The above-ground footprint of the building would remain as existing, with the ground floor aligned with the wall lines of the adjacent two properties (nos. 4 and 6 Langford Place). To the front, the upper first and second floors would be set back from the ground floor such that they would sit back from the established frontages of no's 4 and 6 and forming a shallow first-floor balcony with simple metal railings. To the rear, as existing the proposed new building would feature a projecting ground floor, with the upper floor elevations in line with those of the adjacent properties.

The design of the proposed new building is considered to be a positive interpretation of the traditional form of typical medium-sized townhouses in the area, whilst avoiding being a traditional pastiche. It's painted stucco and render walls would be quite plainly styled, but with a strong cornice at main parapet level, and a clearly defined front and rear base in the form of the ground floor projections. The proportions of each floor diminishing upwards provides clear hierarchy from ground to top and avoids the lack of presence and ambiguity seen with the existing building. Revised during the course of the application to reduce the size of ground floor openings, it is now considered to be a well-proportioned, simple but high quality addition to the street.

The proposed inclusion of a mansard 3rd floor level would be an increase over the existing house which terminates at second floor. The architectural parapet top of the new house would be slightly higher than the equivalent parapet of the existing house and from the street would largely conceal visibility of the mansard, as shown by the submitted visuals. To the rear the mansard would be more visible due to the inclusion of a single dormer window to the rear, but again this would be quite recessive when seen from most reasonable vantage points.

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The provision of a basement beneath the building and part of the front apron of the property would not have a harmful impact on the conservation area due to the absence of any real external manifestation. The associated lightwell is consistent in size and design to those seen widely in the area and city as a whole, and does not in itself represent an exposure of the basement development in visual terms. The lightwell's openness (rather than its enclosure with a glazed roof) is welcomed. The proposed rear walk-on rooflights and grill-covered lightwell would be positioned up against the footprint of the house, so reducing their intrusion into the landscape qualities of the rear garden and are suitably sized to the surrounding patio area.

To the front of the property it is proposed to replace the existing boundary walls with new rendered walls punctuated by a new metal vehicular gate and a separate timber pedestrian gate. Behind the new wall would be a low bin and garden store, and a paved area for car parking, surrounded by low-level planting. This proposal was revised during the course of the application to sit more comfortably alongside the established pattern of traditional boundary walls and gates on this road within the conservation area. The design now submitted is considered to represent some improvement upon the existing.

To the rear, the garden is proposed to be landscaped without substantive changes to ground levels but replacing the boundary to one side (with no.6) with a new brick-clad wall. A new condenser unit would be housed within an acoustic enclosure, the appearance of which can be conditioned.

The proposed new house and associated proposals would represent some improvement overall from the existing house in terms of its impact on the local townscape and conservation area. It is considered to be a notably better design than the existing, and this in combination with a restrained design of mansard roof, enables the proposal to mitigate for the slight increases to height proposed from the existing. It is considered that the proposals are of a high quality of individual design which would contribute positively to the character and appearance of the conservation area.

As such, the proposal is considered acceptable, mindful of policies 38, 39 and 40 of the Westminster City Plan 2019-2040; 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.

9.5 Residential Amenity

Policy 7 of the City Plan seeks to protect surrounding residences from unacceptable loss of daylight/ sunlight, sense of enclosure, loss of privacy and noise. Policy 38C of the City Plan requires that all development, introduces measures that reduce the opportunity for crime and anti-social behaviour, promoting health, well-being and active lifestyles through design and ensuring a good standard of amenity for new and existing occupiers.

Objections have been received on amenity grounds, specifically the loss of sunlight/daylight to Langford Close and Langford Place and noise and overlooking to mews from introduction of balcony at first floor level.

Daylight & Sunlight and sense of enclosure

The front elevation of the proposed building would remain set back from the building line of the two neighbouring buildings. The ground floor rear extension would be located behind the ground floor rear extensions of the neighbouring buildings and the rear building line at first to second floor levels would remain approximately as existing and within the rear building line of the neighbouring properties. Although at rear second floor level the proposed rear elevation would be slightly higher than existing and project above the adjacent rear extension of No 4 Langford Place this would be minor, and no windows would be significantly impacted in terms of loss of sunlight and daylight or sense of enclosure. Due to its set back from the parapet and the pitched roof the proposed mansard storey is not considered to result in any loss of light or sense of enclosure to surrounding properties.

There is a window in the side elevation of 6 Langford Place at second floor level which serves an ensuite within that property, however it is not considered that the minor increase in height to the side elevation of 6A and the set back pitched loft floor would have any noticeable effect on daylight reaching the window or result in any increased sense of enclosure.

Privacy

The proposed windows at first and second floor level would be in a similar position to the existing windows and the proposed loft level dormer windows to front and back would be set back behind the building's parapet. It is not considered that the proposal would result in any significant increase in overlooking. The only balcony proposed is to the front elevation which reflects the existing balcony at this level and which does not project beyond the building line of the neighbouring properties. It is however recommended that a condition is attached to any permission ensuring that the roof of the rear ground floor extension is not used as a terrace to prevent potential overlooking. It is also recommended that a condition is attached requiring that the proposed side window at second floor level and to the side dormers at roof level are obscure glazed and fixed shut. The applicant has requested that the condition regarding the side roof dormers is adapted to allow the flexibility for either a fixed shut and obscure glazed window or an alternative design of window to be applied for.

Noise & Vibration

Two air source heat pump units inside a plant room at basement level at the front of the property and an air condenser unit in the rear property garden are proposed as part of the application. A Noise Impact Assessment Report, and Planning Compliance Report have been submitted with the application and assessed by the City Council's Environmental Health officer who has no objection subject to the imposition of standard noise conditions including the installation of noise mitigation measures.

9.6 Transportation, Accessibility & Servicing

The City Council's Highways Planning Manager has assessed the proposals and has no objection subject to the imposition of conditions requiring, details of 2 cycle parking spaces, that car parking retained for residential occupier use only and for no other

purpose for the life of the development and details of an electric vehicle charging point. It is recommended that these conditions be attached to any planning permission.

9.7 Economy including Employment & Skills

It is recognised that the proposal will create jobs during the construction period.

9.8 Other Considerations

Basement

The application involves the creation of a single storey basement level. City Plan Policy 45 relates to basement developments.

Part A. 1-4

These parts of the policy relate to structural stability; surface water and sewerage flooding; minimising the impact at construction and occupation stages; protecting heritage assets and conserving the appearance of the of the appearance of the existing building, garden setting and the surrounding area.

The applicant has provided a Construction Method Statement prepared by an appropriately qualified structural engineer.

This document has been reviewed by Building Control who advise that the submitted Structural Method Statement is appropriate and that the site investigation shows flood risk is minimal. A movement assessment anticipates the structural impact and movements on the adjacent buildings to be minimal. The scheme is justified structurally and the proposal is considered to be viable and from the preliminary structural information provided at this stage. The site is not within a surface flooding hotspot.

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

Objections have been received regarding the structural safety of wall on eastern side of 6A's garden and regarding the impact of demolition and basement construction on structure of neighbouring buildings. It is considered that the applicant has demonstrated sufficiently at this stage that the works can be carried out without structural harm to neighbouring properties.

An objection has been received on the grounds of noise and disturbance as a result of

construction works especially on people working from home. The City Council has adopted its Code of Construction Practice (CoCP). The applicant has submitted an agreed Appendix A for the CoCP and it is recommended that a condition is attached to any permission requiring that the construction method is agree with Environmental Services prior to commencement. It is considered that this is the best method to address potential construction disturbance for neighbouring properties.

Part B 1-5

These parts of the policy relate to the extent and depth of basements. This includes limiting the extent and depth of basement developments so to reduce both the risks associated with basement development and to mitigate any negative environmental and amenity impacts. Basement developments are typically (unless exceptions apply) limited to a single storey and must not extend more than 50% of the garden land. Where basements shall not reside directly underneath the building footprint, 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 must be provided. In addition, a margin of undeveloped land should be left, proportionate to the scale of the development and the size of the garden, around the entire site boundary.

The basement would largely be beneath the footprint of the property and would not extend beneath more than 50% of garden land. A margin of undeveloped land would be retained around the basement wherever it is not situated directly under the footprint of the building or where the lightwells are situated. There would be a small area of the basement adjacent to the front lightwell that would not comply with the soil depth requirement however due to its minimal size (approximately 2sqm), the impracticality of providing soil depth for this small section and the fact that it provides the pathway to the front door where there would be no scope to provide landscaping in any case the proposed basement is considered to be acceptable in this particular case. There would also be no margin of undeveloped land adjacent to No.4, however this is where the proposed open lightwells are situated rather than being part of the enclosed basement and due to this and the small size of these areas (each being less than 2m), it is also regarded as acceptable.

The basement would be a single storey however at 2.9 m floor it would have a slightly higher floor to ceiling height than the 2.7m referenced in the City Plan basement policy supporting text. The floor to ceiling height in the City Plan however is stated as an approximate figure and it is considered that 0.2 meters over that is an acceptable range. The proposed pool also means the depth of excavation goes significantly beyond this for the part of the basement accommodating the swimming pool. It is accepted that to accommodate a swimming pool excavation depths would need to go beyond the standard floor to ceiling depths and in this case on balance this additional depth is considered acceptable. The proposals do not excessively exceed the the policy boundaries in terms of the extent of the basement, is largely being limited to the area under the footprint of the building and not extending under the garden area and the basement is therefore considered to be acceptable under City Plan Policy 45.

9.9 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

9.10 Planning Obligations & Pre-Commencement Conditions

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

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

10. Conclusion

The proposal is considered acceptable in design terms, mindful of policies 38, 39, 40 of the Westminster City Plan 2019-2040 (April 2021) with limited impact to the character and appearance of the building and no significant harm to the character and appearance of the St Johns Wood Conservation Area a designated heritage asset. The proposal would also be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Whilst recognising the concerns raised by the objectors, the proposal is considered acceptable in design, conservation, sustainability and amenity terms.

(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: KIMBERLEY DAVIES BY EMAIL AT kdavies1@westminster.gov.uk
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11. KEY DRAWINGS



Existing front elevation



Proposed Front elevation



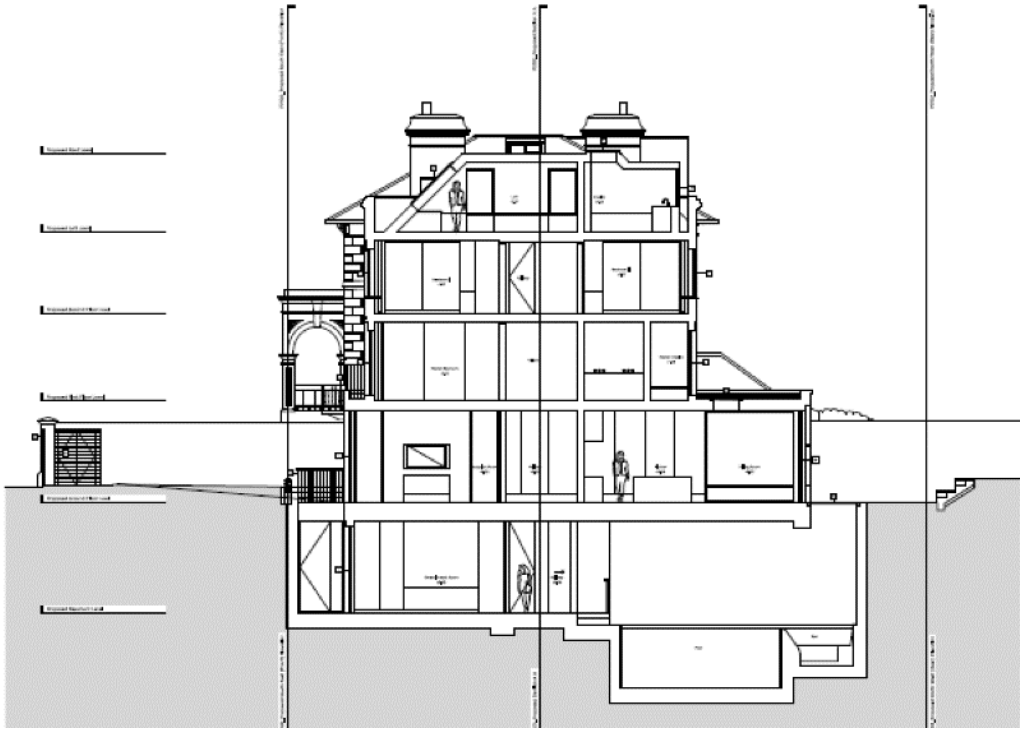
Existing Rear elevation



Proposed rear Elevation

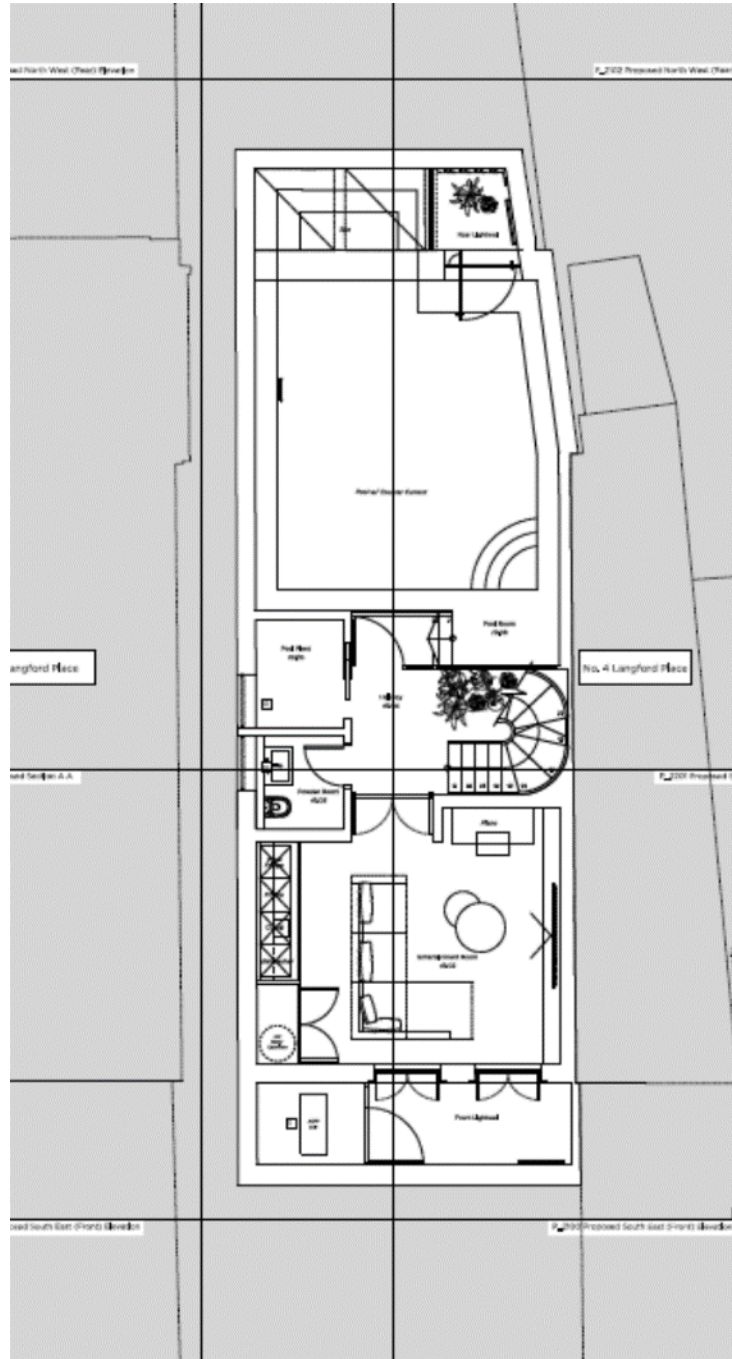


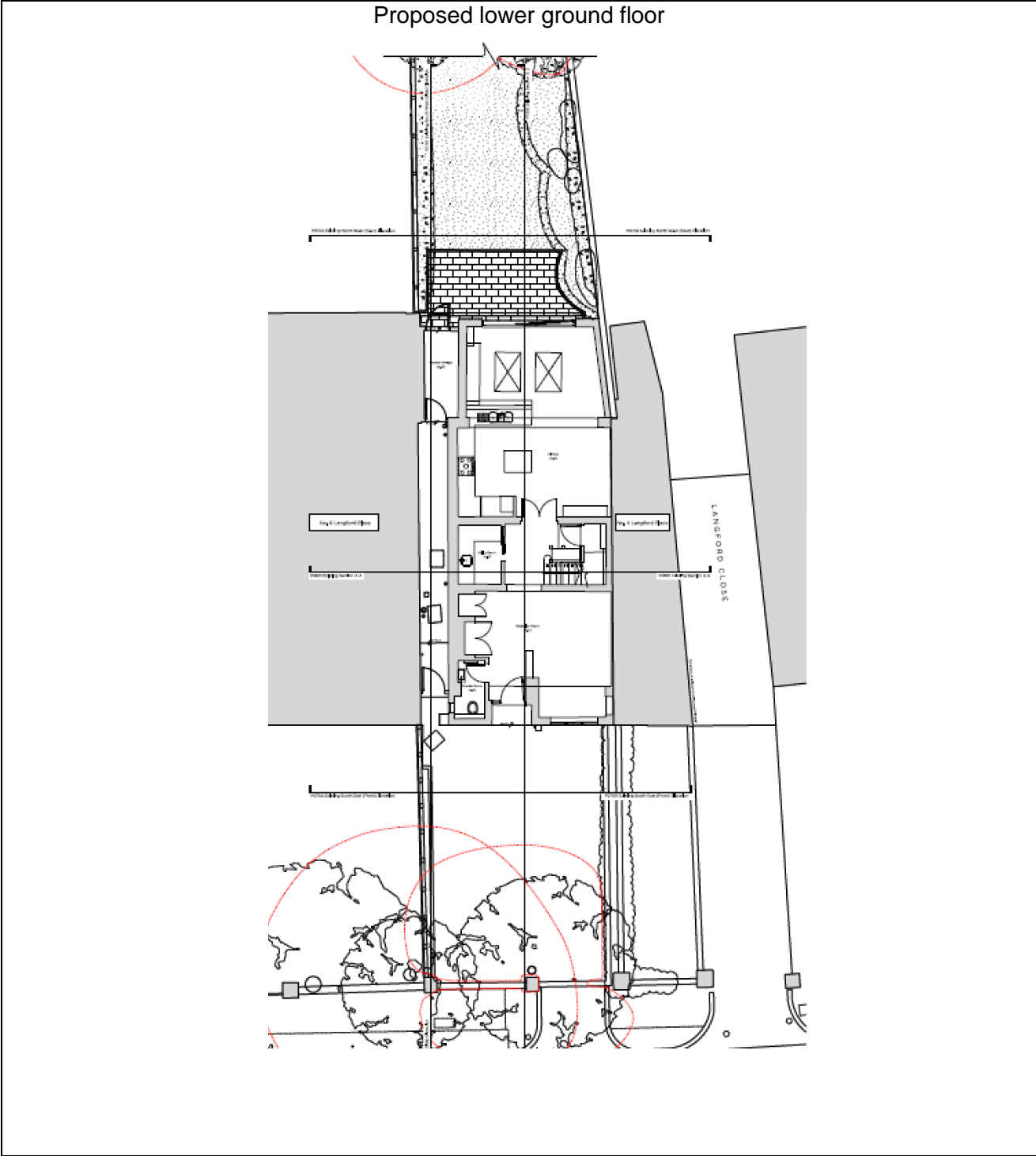
Existing Section



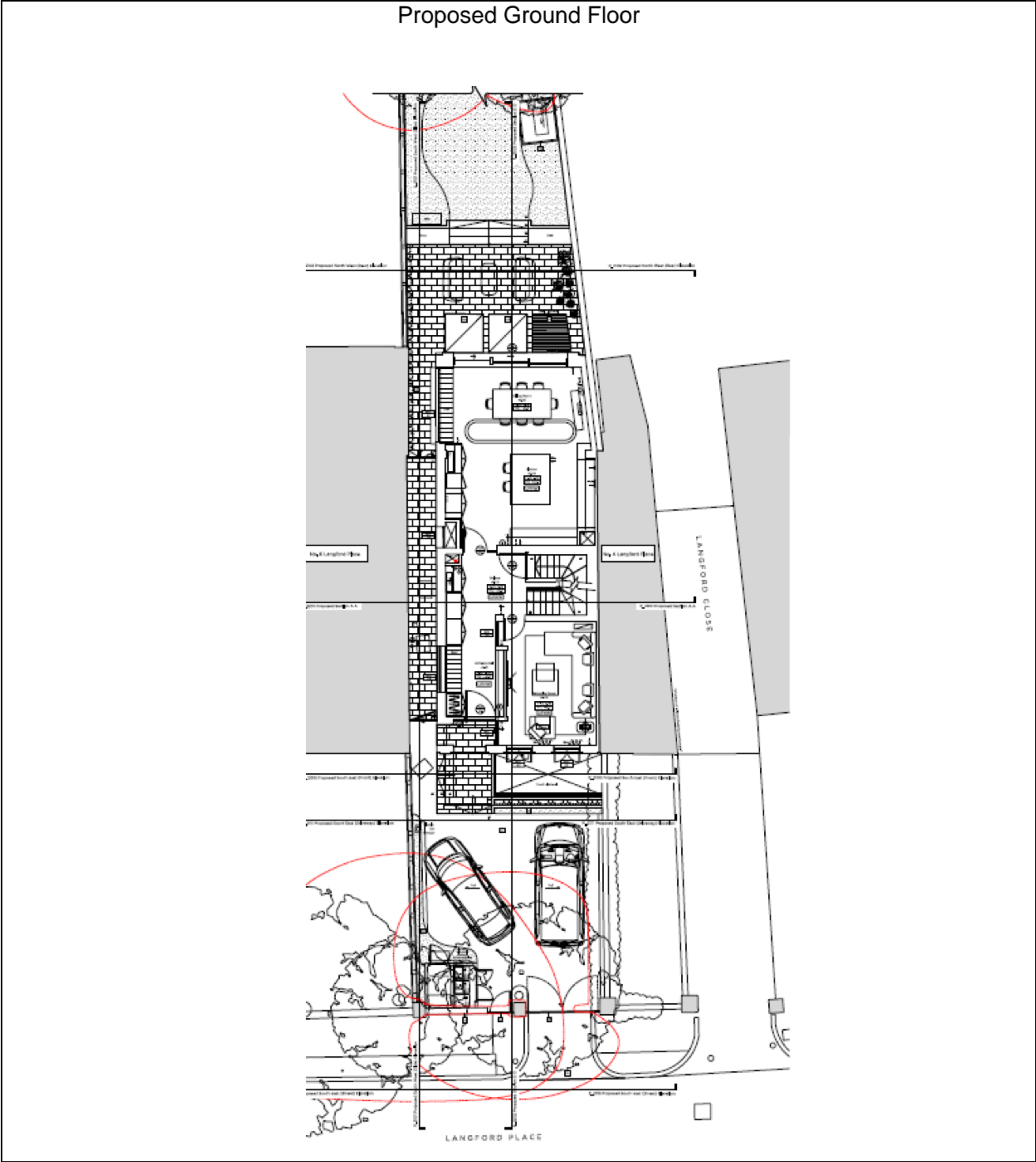
Proposed Section

Proposed basement

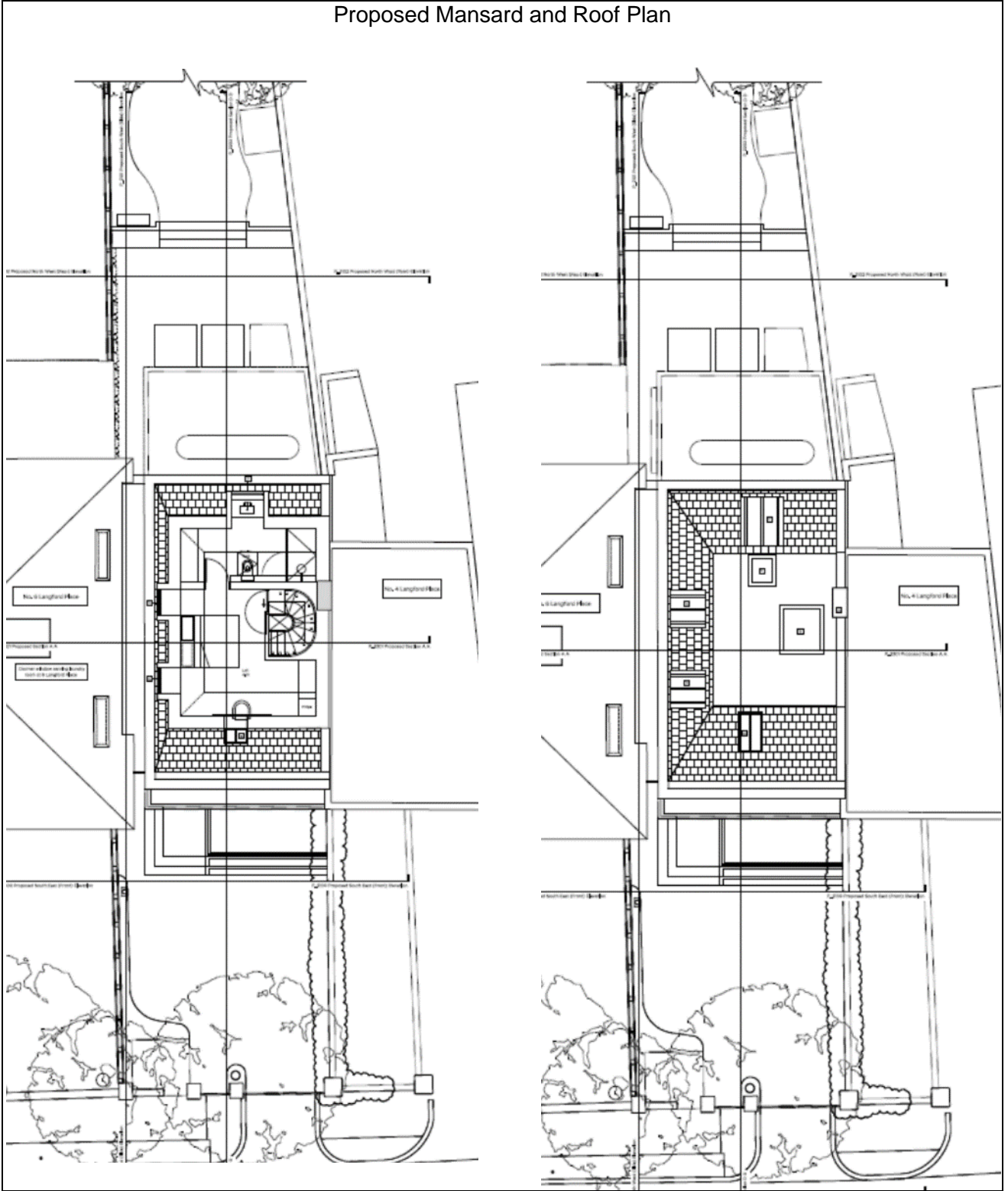




Proposed Ground Floor



Proposed Mansard and Roof Plan



Item No.
2

DRAFT DECISION LETTER

Address: 6A Langford Place, London, NW8 0LL,

Proposal: Demolition of the existing 3-storey dwelling house, erection of a replacement dwelling house with hipped roof over four storeys (plus basement), with front and rear lightwells, alterations to front boundary including installation of vehicular and pedestrian gates, new hard and soft landscaping and all associated works including air source heat pumps.

Plan Nos: Site location PlaP0200; P0290; P0600; P0601; P0602; P0603; P0700; P0701; P0702; P0710; P0801; P0802; P0300; P1000; P1001; P1002; P1003; P1100; P1101; P1102; P1110; P1201:P1202; P0310A; P1999; P2000C; P2001; P2002; P2003; P2004; P2100B; P2101RevA; P2102; P2110B: P2111A; P2201; P2202; P3500A; Highways Technical Note; Planning Statement; Energy and Sustainability Statement; Basement Impact Assessment; Design and Access Statement; Structural Method Statement (for information only); Noise planning compliance report; Noise Impact Assessment; Tree Survey and Impact Assessment; Heritage Statement;

Case Officer: Richard Langston

Direct Tel. No. 07866036470

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 You must apply to us for approval of further information about the following parts of the development:
- (a). Windows, doors, dormers and rooflights (detailed elevations and sections at 1:10, plus product specifications where applicable);
 - (b). New front boundary gates (detailed elevations and sections at 1:10);
 - (c). The appearance of the condenser acoustic enclosure (detailed elevations and sections at 1:20).
- You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these 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)

- 4 You must apply to us for approval of a detailed written and photographic schedule / specification of the facing, roofing and hard-surfacing materials you propose to use, with annotated versions of the approved plans and elevations to show 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. (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 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)

- 5 You must apply to us for approval of detailed drawings of a landscaping scheme which includes the surfacing of any part of the site not covered by buildings. 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 landscaping according to these approved drawings within 1 year of completing the development (or within any other time limit we agree to in writing). (C30AC)

Reason:

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

- 6 You must protect the trees according to the details, proposals, recommendations and supervision schedule set out in the arboricultural report ref: S665-J1-IA-1 by John Cromar's Arboricultural Company Ltd You must undertake the special methods of working and arboricultural supervision according to these details. If you need to revise any of these tree protection provisions, you must apply to us for our approval of the revised details, and you must

not carry out work the relevant part of the development until we have approved what you have sent us. You must then carry out the work according to the approved details

Reason:

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

- 7 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved 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 Environmental Supplementary Planning Document (February 2022), 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)

- 8 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.2m/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 Environmental Supplementary Planning Document (February 2022). (R48AB)

- 9 The noise mitigation measures specified in Section 6 of the submitted Planning Compliance Report must be installed prior to the operation of the plant hereby approved.

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 Environmental Supplementary Planning Document (February 2022), 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)

- 10 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number P2000RevC 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 property. (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)

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

Reason:

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

12 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)

13 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)

14 You must apply to us for approval of details of secure cycle storage and associated facilities for cyclists for the residential use. You must not start any work on this part of the development until we have approved in writing what you have sent us. You must then provide the cycle storage and associated facilities in line with the approved details prior to occupation and make it available at all times to everyone using the house. You must not use the cycle storage and associated facilities for any other purpose. (C22JA)

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)

15 You must provide each car parking space shown on the approved drawings prior to occupation of the development and thereafter permanently retain them. Each car parking space shall only be used for the parking of vehicles of people living in the residential part of this development. (C22BB)

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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)

- 16 Prior to commencement of development details of an electric vehicle charging point should be submitted for approval and thereafter installed and maintained in working order for the life of the development

Reason:

To provide an electrical vehicle charging point as set out in Policy 27 of the City Plan 2019 - 2040 (April 2021).

- 17 The glass that you put in the window at second floor level and the lower sash panel of the windows to the roof dormers in the side elevation (South West) of the building must not be clear glass, and you must fix the second floor window and lower sash of the dormer windows permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work on the relevant part of the development until we have given our written approval for the sample. You must then install the type of glass we have approved and must not change it without our permission. (C21DB)

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)

- 18 You must provide the green roof to the roof above the rear extension as shown in the approved drawings. Prior to commencing works on this part of the development you must submit details of a green roof including species and maintenance. This must be installed as an integral part of the construction of the extension, and once installed must be maintained and retained in accordance with the details thereafter.

Reason:

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

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

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addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 As this development involves demolishing the buildings on the site, we recommend that you survey the buildings thoroughly before demolition begins, to see if asbestos materials or other contaminated materials are present - for example, hydrocarbon tanks associated with heating systems. 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.

3 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

- 4 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You can apply online at the following link: www.westminster.gov.uk/trees-and-high-hedges. You may want to discuss this first with our Tree Officers by emailing privatelyownedtrees@westminster.gov.uk.
- 5 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.

- 6 With reference to condition 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 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

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building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 1 November 2022	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Marylebone High Street	
Subject of Report	Apartment 7.01, 9 Marylebone Lane, London, W1U 1DB		
Proposal	Creation of terrace at main roof level with metal and timber balustrades, roof access hatch and planter and relocation of nine PV panels and satellite to adjoining green roof.		
Agent	DSDHA		
On behalf of	Mr Paul Coehlo		
Registered Number	22/02368/FULL	Date amended/ completed	7 April 2022
Date Application Received	7 April 2022		
Historic Building Grade	Unlisted		
Conservation Area	N/A		
Neighbourhood Plan	None relevant.		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY & KEY CONSIDERATIONS

The application relates to a seventh-floor penthouse flat within a residential development, known as 'The Mansion', built pursuant to a 2014 planning permission. The flat benefits from a small balcony. The building is located on the western side of Marylebone Lane with frontages on Bourne Mews and Aldburgh Mews, which is an entirely residential mews to the immediate rear of the site. Permission is sought to create a terrace on the main roof, accessed via a new internal stair and a hinged rooflight. This would require existing photovoltaic panels to be relocated to the adjacent sedum roof.

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

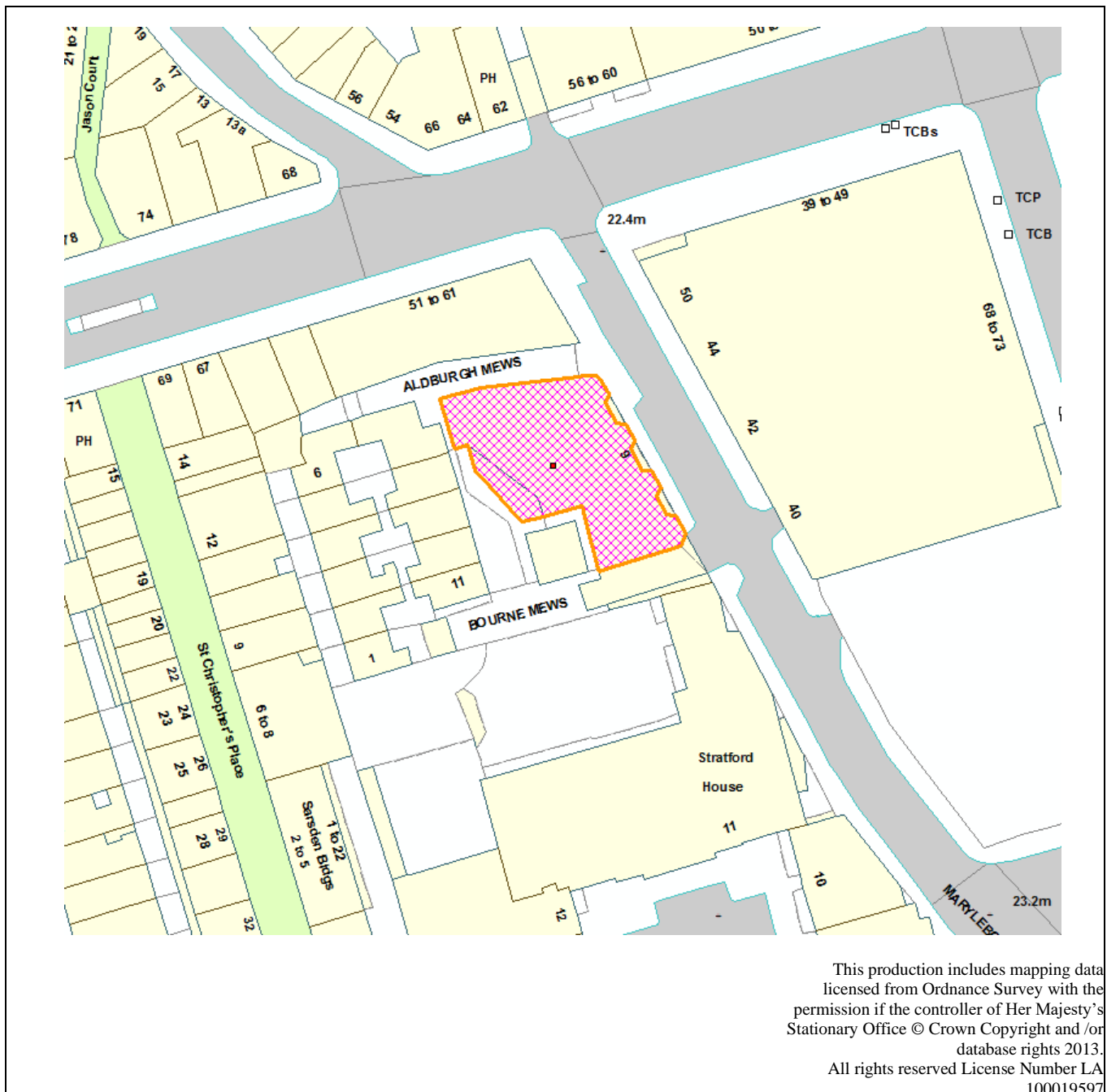
The key issues in the determination of this application are:

- The impact of the works on the character and appearance of the building and on views from the adjoining Harley Street and Stratford Place Conservation Area;

- The impact of the roof terrace on the amenity of neighbouring properties;

For the reasons set out in the report, the proposals are considered in accordance with City Council policies as set out in the City Plan 2019-2040 with respect to land use, design amenity and is recommended for approval.

3. LOCATION PLAN



4. PHOTOGRAPHS





Views from Aldburgh Mews

5. CONSULTATIONS

5.1 Application Consultations

COUNCILLOR SCARBOROUGH

A roof terrace was never proposed in the original planning application and will look straight down onto the courtyard and overlook the houses to the west, resulting in a loss of privacy.

MARYLEBONE ASSOCIATION

No response to date

HEALTH AND SAFETY EXECUTIVE

Raise no comments with regard to the revised fire statement.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 40: Total No. of replies: 7 (from 5 residents, the freehold owner of 1-11 Aldburgh Mews and the Property Manager for Aldburgh Mews and 51-61 Wigmore Street) raising the following objections:

Amenity

- * Proposal is contrary to City Plan policies requiring development to be neighbourly and to protect, and enhance where appropriate, the amenity of neighbouring properties from an unacceptable increase in a sense of enclosure, losses of light and privacy and overshadowing.
- * The terrace would allow views directly into the Aldburgh Mews and into residents' homes, including bedrooms.
- * The terrace is large and can accommodate significant seating with a consequent unacceptable impact on noise and disturbance.
- * Loss of light
- * 'The Mansion' already has an overbearing appearance to Aldburgh Mews which will be increased as a result of the proposal.
- * The properties in Aldburgh Mews already suffer significant loss of amenity due to the poor existing design of 'The Mansion' which would be further exacerbated.

Design

- * The proposal involves a further storey in the form of a shed-like structure on a building, which has already reached its maximum height, and should have been limited to 6 floors.
- * The works would be obvious and unsightly
- * Query accuracy of submitted views.
- * The proposals include a tree in a planter and lighting, all of which would draw the eye.

Other matters

- * Permission should not be granted for a roof terrace when the flat already has a balcony. Balance must be struck between applicant's wishes and the interests of the wider community, residents and neighbourhood.

- * The creation of an additional terrace is unnecessary.
- * Disturbance during construction; residents are still blighted by scaffolding on the building, and have lived with demolition, excavation and construction outside of permitted working hours, for the best part of a decade.
- * Developer has not fulfilled all of their promises and obligations relating to the original development, including a 'green-wall' to the London Underground vent. There should be no application or permission until 'The Mansion' has been completed in accordance with promises made/the approved scheme.

SITE NOTICE:

Yes

5.2 Applicant's Pre-Application Community Engagement

The Early Community Engagement Guidance encourages householders carrying out development to engage with those living adjacent or very close to the site at an early stage, prior to the submission of a formal application. The applicant advised that , through the Management Company (Clivedale London), all residents of 'The Mansion' and neighbours at Aldburgh Mews have been consulted in a, personally addressed, letter with a design report explaining the proposal. It is understood that objections were raised regarding the impact of construction works, loss of view and loss of daylight/sunlight in response to this consultation.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London 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 Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 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.

6.2 Neighbourhood Planning

The application site is not located within an area covered by a Neighbourhood Plan.

6.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

9 Marylebone Lane is a residential building, on three basement levels, lower ground, ground and seven upper floors built pursuant to a 2014 planning permission and completed circa 2019. It stands on the west side of Marylebone Lane between Bourne Mews and Aldburgh Mews. It is not in a conservation area but adjoins the Harley Street Conservation Area, to the north, and the Stratford Place Conservation area, to the south, which also includes the Grade I listed Stratford House.

The building is in close proximity to Aldburgh Mews, a residential mews containing 12 properties. Immediately to the north of Aldburgh Mews lies 51-61 Wgmore Street which is in commercial use on the ground floor with flats on the four upper floors.

7.2 Recent Relevant History

Permission was granted on 10 April 2014 for the demolition of the existing building and redevelopment to provide a building on three basements, lower ground, ground and seven upper floor levels for use as 21 residential units, with terraces at sixth and seventh floors, together with landscaping of the existing access road, and landscaped communal amenity space. Ancillary leisure facilities, car and cycle parking, mechanical plant and associated works are at lower basement levels.

Whilst the development is now complete, the site has been subject to a number of complaints to the Planning Enforcement Team. All issues have now been resolved.

8. THE PROPOSAL

Permission is sought for the creation of a 17sqm terrace on the main roof of the building, accessed via a hinged openable rooflight. The terrace will be enclosed by part solid,/part open balustrades. Seating and storage is integrated into the design, as is a 2.5sqm planter.

Nine existing photovoltaic panels are to be relocated onto the adjacent sedum roof.

9. DETAILED CONSIDERATIONS

9.1 Land Use

The application does not raise any land use issues but it is noted that City Plan and London Plan policies encourage the provision of external amenity space within new residential development schemes.

9.2 Environment & Sustainability

Sustainable Design

The proposals involve the relocation of nine PV panels which will sit on top of the

adjacent sedum roof. The detailed design will ensure the fixings of the PV panels are appropriate and that the panels are angled so as not to compromise the health of this planted roof.

9.3 Biodiversity & Greening

City Plan Policy 34 states that, wherever possible, developments will contribute to the greening of Westminster by incorporating trees, green walls, green roofs, rain gardens and other green features and spaces into the design of the scheme. In order to increase the biodiversity of the roof, the terrace will be planted to attract wildlife. A sustainable planting mix will incorporate species that have been carefully selected to suit the micro-climate and to attract wildlife.

Although an objection has been received on the grounds that the planting proposal will also draw the eye, the greening proposals comply with City Plan policy.

9.4 Townscape, Design & Heritage Impact

Legislative & Policy Context

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

Section 66 of the Listed Buildings and Conservation Areas 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.”

Whilst there is no statutory duty to take account of effect on the setting of a conservation area, Policy 39(K) in the City Plan 2019-2040 requires that where development will have a visibly adverse effect upon a conservation area’s recognised special character or appearance, including intrusiveness with respect to any recognised and recorded familiar local views into, out of, within or across the area, it will not be permitted.

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.

Detailed Design

The development proposals are limited to roof level, on the north-west corner of the building. The existing roof is subdivided to provide areas for photovoltaic panels, living roofs and mechanical plant associated with the building.

A key feature of the original development, in design and heritage asset terms, was to ensure that it would have minimal visual impact in views from Stratford Place towards

Stratford House. The previous building on the site had a turret feature that was conspicuous on the skyline, and which detracted from the setting of Grade I listed Stratford House. The view along Stratford Place was much improved by the new development. (See below).



An objector to the current application notes that the committee report relating to the original development refers to the requirement for a “silhouette that provided a level and symmetrical backdrop to Stratford House.” The objector considers that the current

proposal would add an unsightly box to the top of the building that, from any distance would appear as a shed, along with a tree in a planter and lighting, all of which would draw the eye. The objector also considers that there would be an unacceptable impact on the north facade in design and heritage asset terms, further referencing the roof level alterations and their impact on the otherwise sleek roofscape which is visible in street-level views such as from Marylebone Lane.

The application includes an analysis of the visual impact of the proposed roof terrace from various points, making use of 3D modelling software. The objector challenges the accuracy of the information provided but there is no evidence to support the assertion that the 3D modelling is inaccurate or misleading. The view from Stratford Place would be unaltered by the proposal, and there would only be very slight views of the roof terrace enclosure from distant views in Wigmore Street and Marylebone Lane. In these views the roof enclosure, which is formed principally of metal railings, would not appear incongruous or out of character with the building or its surroundings. While the terrace would be more obvious in views from the upper floors of taller surrounding properties, considering the existing appearance of the photovoltaic panels and other mechanical plant on the roof, the terrace would not appear incongruous or out of character with its immediate surroundings, and it has been designed to ensure that it suits the appearance of the existing building.

The detailed design of the roof terrace is acceptable; it will suit the building and will maintain the setting of the nearby conservation areas and listed buildings. This accords with city plan policies 38, 39 and 40. Nevertheless, in design and heritage asset terms it is essential that the terrace is not cluttered with paraphernalia that would detract from its surroundings, and this may be dealt with by condition.

9.5 Residential Amenity

Policy 7 of the City Plan requires development to be 'neighbourly' and to protect, and where appropriate enhance, amenity by preventing unacceptable impacts in terms of losses of daylight and sunlight, overshadowing, increased sense of enclosure or loss of privacy. Policy 33 is also relevant which seeks to make sure that quality of life and health and wellbeing of existing and future occupiers. Including as a result of light spill and noise impact on residential development.

Objections have been received from the occupants of four properties in Aldburgh Mews , the freehold owner of 1-11 Aldburgh Mews (also one of the residents) and the Property Manager for Aldburgh Mews and 51-61 Wigmore Street, on the grounds that the proposed roof terrace would result in loss of privacy and daylight, unacceptable noise disturbance and an increased sense of enclosure to neighbouring residential buildings and Aldburgh Mews, contrary to City Plan policies.

Privacy

There are views down to the properties in Aldburgh Mews from the existing balcony at seventh floor,. Residents' concerns about additional overlooking and loss of privacy are clearly understood however, the proposed roof terrace is set back approximately 1.5m from the roof edge and would be 5 storeys above the height of properties to the rear. Section sight-lines have been submitted that demonstrate that, due to the building

parapet height and the degree of setting back from the building edge, that sight-lines from the terrace would be some way above the Aldburgh Mews buildings. Consequently, the terrace design would not provide any line of sight to the windows and balconies in Aldburgh Mews.

It is not considered that the scheme would result in any loss of privacy to residential windows in other neighbouring properties given the relationship of those buildings to the proposed terrace.

Noise

Neighbouring occupiers have raised a number of objections on noise grounds and state that noise currently cascades down from the application building, particularly when there are window cleaners, or when people in 'The Mansion' open windows and play music.

Whilst officers accept that some additional noise is likely to be created by the use of the existing flat roof as a terrace, it is unlikely that the noise levels associated with this use would be so significant as to justify a refusal of the application. The terrace, which would be used in association with a single apartment, is relatively modest in size with the useable area of the terrace (which excludes the access rooflight area) measuring approximately 4m by 4m. Whilst submitted drawings indicate that up to 12 people could be seated on the terrace, it is unlikely that significant numbers of people could be accommodated on the area. Furthermore, there is already a similarly-sized roof terrace at level 7, and there is no evidence of any reports of noise disturbance relating to the use of this space. In these circumstances, it is considered that the proposed use of this domestic terrace is unlikely to result in any material noise disturbance noise nuisance which would harm the amenity of the adjoining residential occupiers and the proposals could not justifiably be recommended for refusal on noise grounds.

Daylight & Sunlight and sense of enclosure

Given the location of the proposed roof level alterations and relationship with neighbouring buildings, it is not considered that there would be a material loss of light or increased sense of enclosure to any neighbouring windows or to Aldburgh Mews, and objections received on these grounds could not be supported.

Light Pollution

The proposed lighting strategy is intended to be subtle and at low level, being integrated into planters and benches, and would facilitate the use of the terrace. An objection has been received on the basis that this lighting would 'draw the eye'. However, an informative is recommended to remind the applicant that the lighting should be designed so that it does not cause any nuisance to neighbours/glare. It is not considered that this subtle lighting scheme would be unduly obtrusive in views of the building.

9.6 Transportation, Accessibility & Servicing

Not relevant in the determination of this application.

9.7 Economy including Employment & Skills

Whilst the development is of insufficient scale to require an employment and skills plan, it will contribute positively to the local economy during the construction phase through the generation of increased opportunities for local employment, procurement and spending.

9.8 Other Considerations

Construction impacts

Objectors have expressed concern about the impact of the proposed works during the course of construction. Given the scale and nature of the proposed works, permission could not reasonably be refused on these grounds. A condition is recommended that limits noisy construction to the City Council's standard working hours and an informative is also recommended to encourage the applicant to join the considerate constructors scheme.

The applicant confirms that all materials required for construction of the terrace, including the scaffolding, will be transported to the applicant's property via the service lift. The terrace area will be 'trimmed' out from the existing roof and scaffolding erected to a workable level above the roof (as temporary shelter). The delivery of materials/components from Marylebone Lane. The applicant has also confirmed that they will produce a Construction Environmental Management Plan outlining how the project will avoid, minimise or mitigate effects on the environment and surrounding area. This would be circulated to residents to address stakeholder concerns.

Fire Safety

The application involves the development of an existing relevant building under the provisions of Planning Gateway One, which deals with the issue of fire safety in buildings over a certain height which contain residential dwellings, The applicant's initial Fire Statement was not considered sufficient for the Health and Safety Executive to review this application. A further fire statement has been produced, by a suitably qualified third party assessor. It details how means of escape would be managed and what features and equipment will reduce fire risk/ mitigate fire. This updated report has been assessed by the HSE who make no comments with regard to the proposal.

Other issues

Concerns have been raised regarding compliance with original planning conditions, including the greening of the London Underground vent and the erection of unlawful scaffolding. Although the green wall was shown on the approved drawings there was no condition attached to the planning permission requiring it to be provided. While the applicant may still be intending to provide the green wall (subject to the agreement of LUL), it is not a requirement of the planning permission.

It is understood that the scaffolding which has been erected is required to remedy building defects. Scaffolding on the pavement does require a temporary licence and this

matter has been referred to the Highways Licensing team.

Objections have also been received on the grounds that there is no need for this development, however, the application could not be reasonably refused for this reason and must be assessed upon its planning merits in relation to development plan policies.

9.9 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

9.10 Planning Obligations & Pre-Commencement Conditions

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

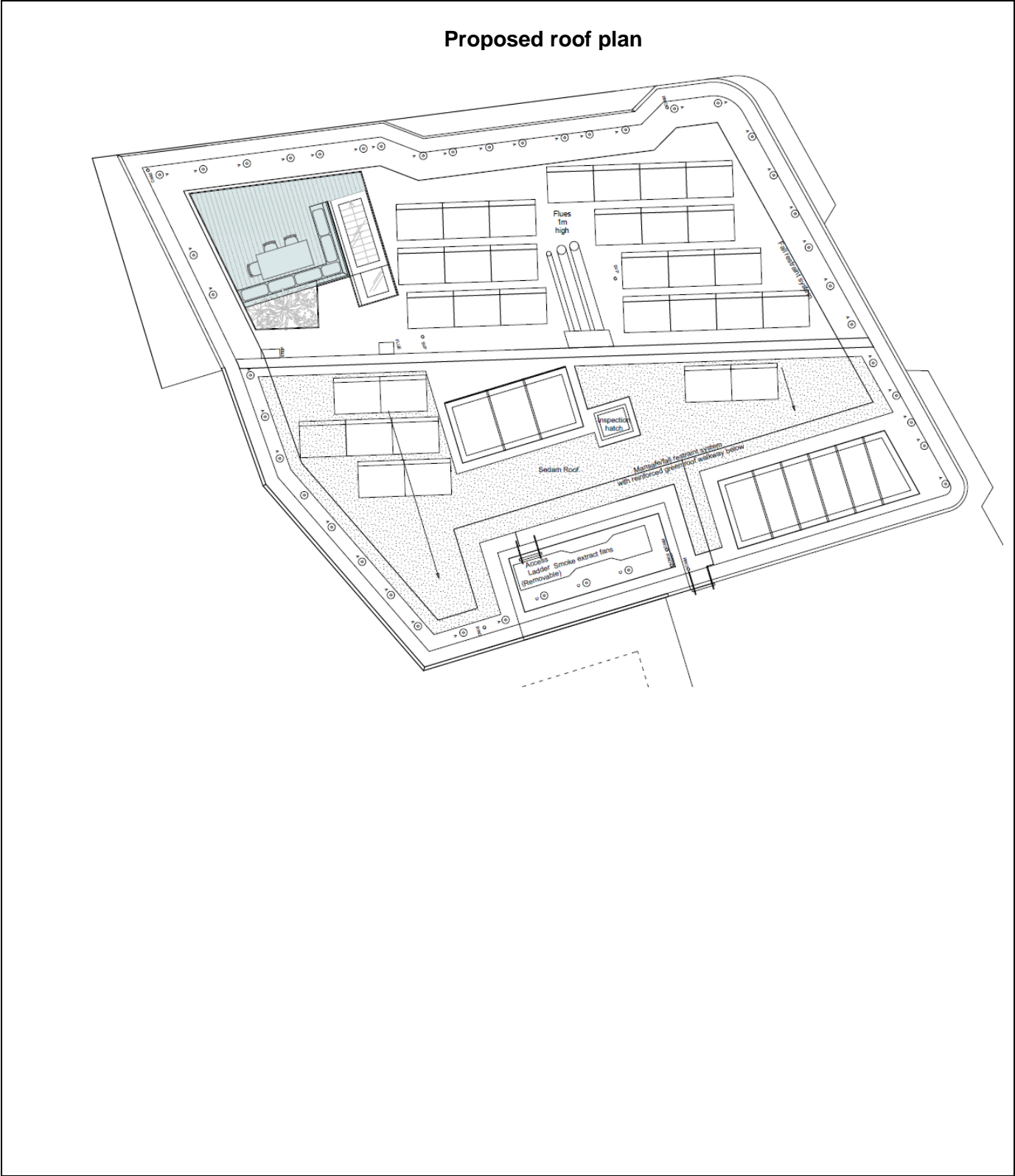
10. Conclusion

The proposal is acceptable in conservation and design terms and the proposals are not considered to harm surrounding residential amenity. As such, the proposal is considered acceptable, mindful of policies 7, 33, 38, 39 and 40 of the City Plan 2019-2040 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.

(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: SARA SPURRIER BY EMAIL AT SSPURRIER@WESTMINSTER.GOV.UK

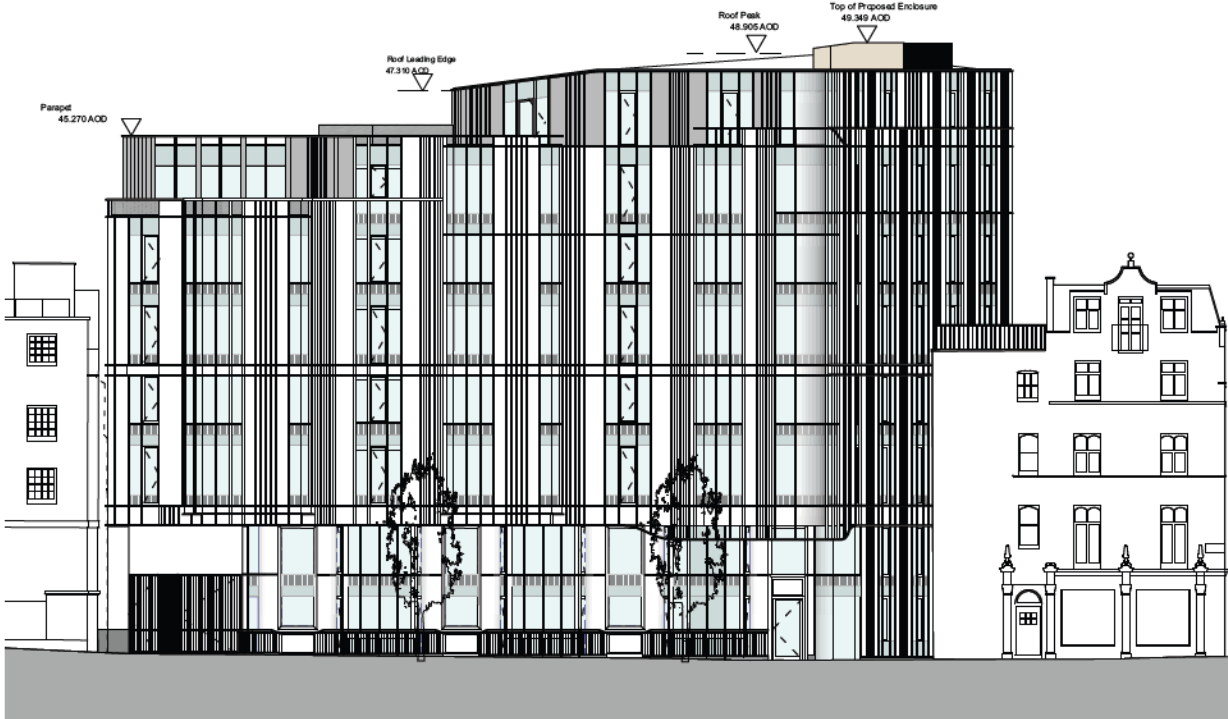
11. KEY DRAWINGS



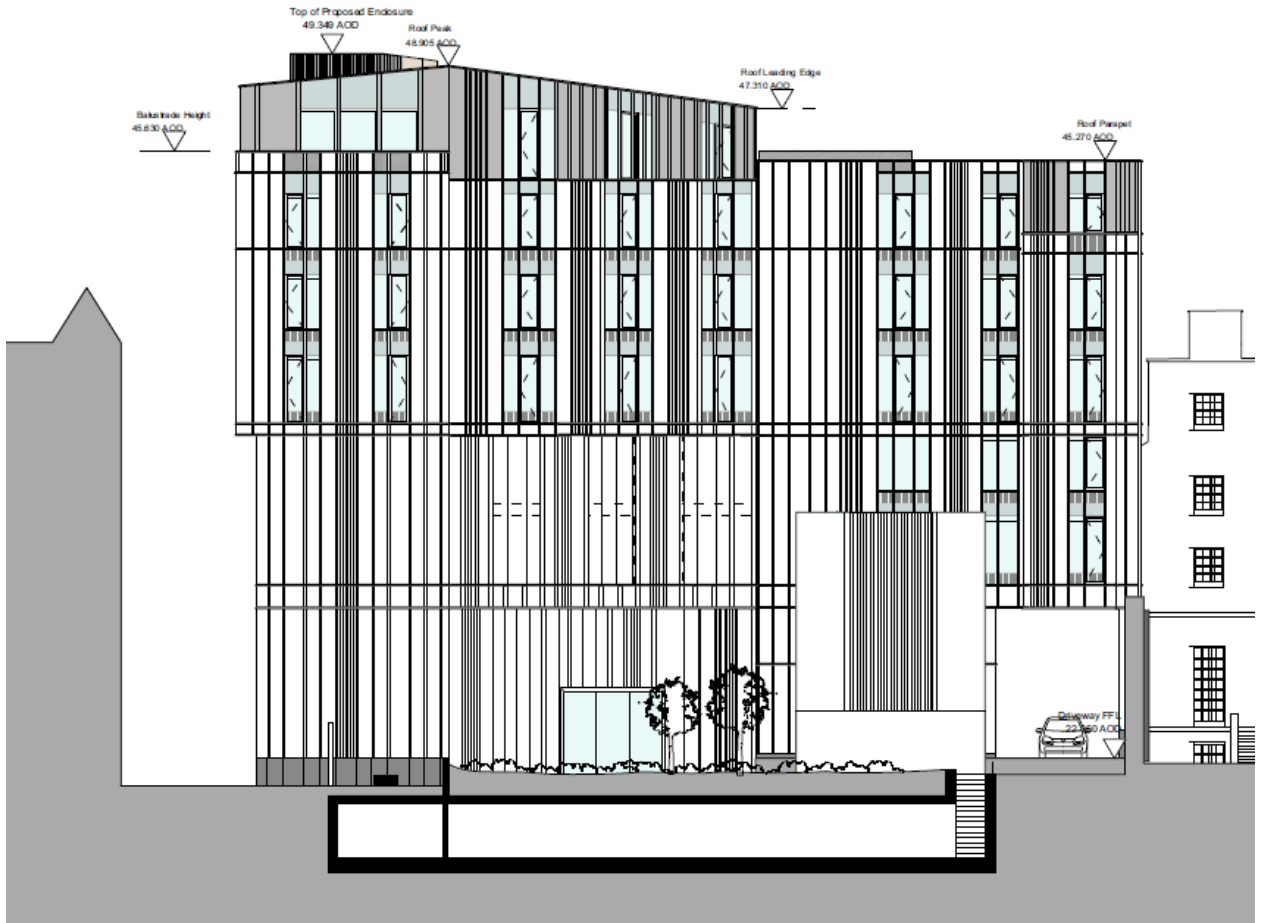
Proposed north elevation



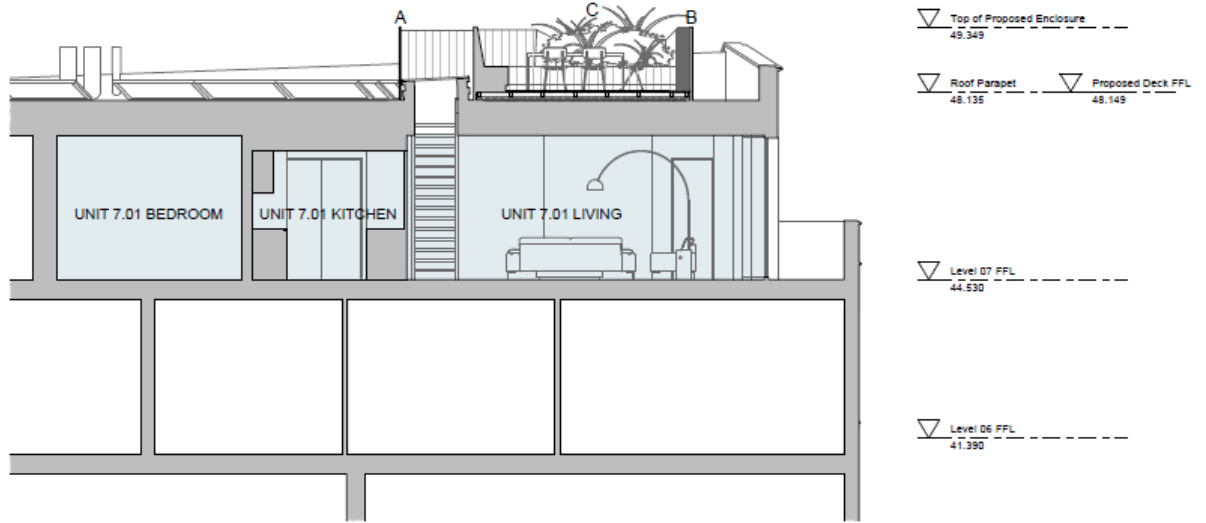
Proposed east elevation



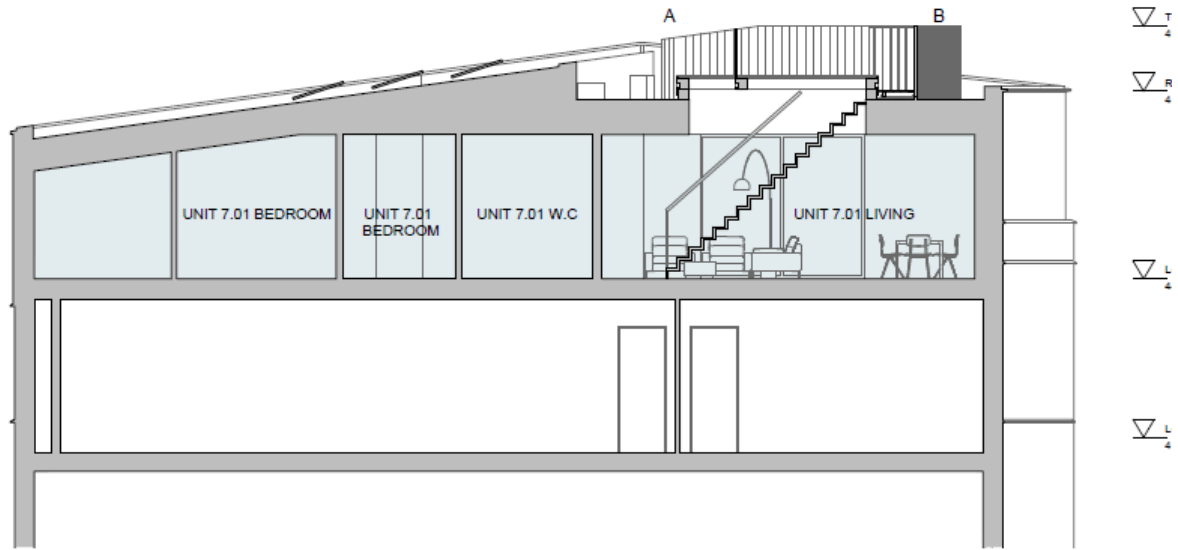
Proposed west elevation



Proposed sections

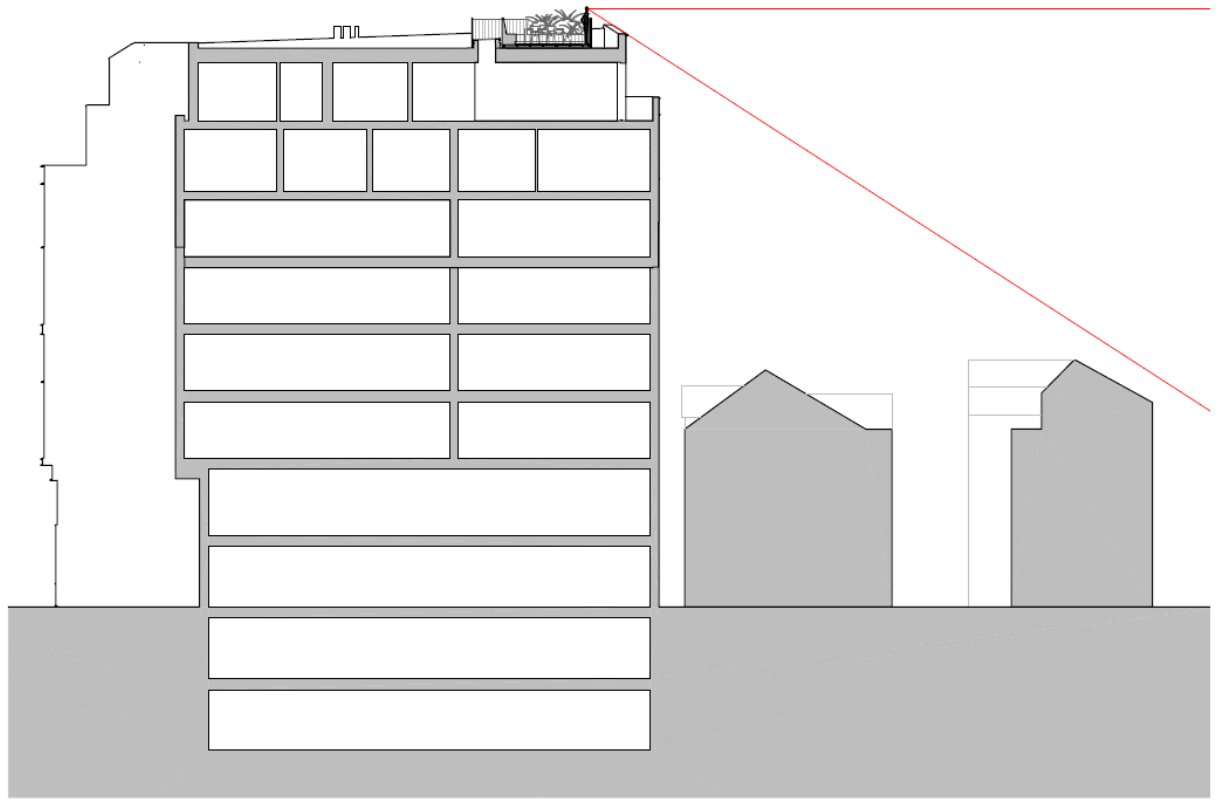


1
P40.001 Proposed Section A-A



2
P40.002 Proposed Section B-B

Section sight lines



DRAFT DECISION LETTER

Address: Apartment 7.01, 9 Marylebone Lane, London, W1U 1DB,

Proposal: Creation of terrace at main roof level with metal and timber balustrades, roof access hatch and planter and relocation of nine PV panels and satellite to adjoining green roof.

Reference: 22/02368/FULL

Plan Nos: 337_P20.010, P30.001, P30.002, P30.003, P30.004, P40.000

Case Officer: Jo Palmer **Direct Tel. No.** 07866 040238

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

Reason:

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

- 5 You must not use the roof terrace until the PV panels have been relocated to the position shown on drawing 337_P20.010

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)

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 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance.
- 3 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

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

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Agenda Item 4

Item No.

4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 1 November 2022	Classification For General Release	
Report of Director of Place Shaping and Town Planning		Ward(s) involved Knightsbridge & Belgravia	
Subject of Report	Upper Floor, 138 Ebury Street, London, SW1W 9QQ,		
Proposal	Installation of air-conditioning unit in enclosure formed of a flat roof at the first-floor rear elevation.		
Agent	Mr Brian Thomas		
On behalf of	Gemma Dreelan		
Registered Number	21/00868/FULL	Date amended/ completed	28 July 2022
Date Application Received	13 February 2021		
Historic Building Grade	Unlisted		
Conservation Area	Belgravia		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY & KEY CONSIDERATIONS

The application proposes to install air conditioning equipment on an external flat roof at first floor level and to the rear of 138 Ebury Street. It would be in connection with the upper floor flat and would assist in cooling the property. The unit would be located inside an enclosure.

The key considerations in this case are:

- The acceptability of the proposed enclosure in design terms;
- The impact of the proposed enclosure on the character and appearance of the Belgravia Conservation Area; and
- The impact on the amenity of neighbouring residential properties.

The proposal is considered acceptable in design and heritage terms because the equipment would be enclosed in a suitably designed and positioned enclosure. It would also be acceptable in amenity terms given the applicant has demonstrated that the equipment can operate without noise disturbance to neighbours. Overall, the development complies with Policy 7, 33, 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021) and therefore is recommended for approval, subject to the conditions set out in the draft decision letter.

3. LOCATION PLAN



4. PHOTOGRAPHS



Photograph of first floor flat roof



Photograph showing unauthorised unit (which has since been removed)



Rear elevation

5. CONSULTATIONS

5.1 Application Consultations

First Consultation

BELGRAVIA RESIDENTS' ASSOCIATION:
No response to date.

THE BELGRAVIA SOCIETY:
No response to date.

BELGRAVIA NEIGHBOURHOOD FORUM:
No response to date.

ENVIRONMENTAL HEALTH (PLANT AND EQUIPMENT):
Further information required. The acoustic report contains inaccuracies and inconsistencies. The drawings in the acoustic report do not match the submitted drawings.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 25
Total No. of replies: 3
No. of objections: 3
No. in support: 0

In summary three neighbours residents object for the following summarised reasons:

Residential Amenity:

- Noise disturbance from the equipment operating, which would harm the enjoyment of neighbouring residential properties;

Design:

- The equipment would harm the appearance of the building and the character and appearance of the conservation area;

Environment:

- Air conditioning equipment contributes to a harmful 'heat island effect' in central London;
- Should implement the City Council's guidance on means of efficiently ventilating a home

Other:

- There has been a history of refused applications relating to air conditioning equipment at this property, which neighbours have to object to;

Second Consultation

ENVIRONMENTAL HEALTH (PLANT AND EQUIPMENT):

Taking into consideration the proposed plant, distance attenuation, on site screening, the location of the plant and the proposed acoustic measures listed the noise level at the nearest receptors are predicted to comply with the Council's noise requirements.

No. Consulted: 25

Total No. of replies: 2

No. of objections: 2

No. in support: 0

In summary two neighbours residents object for the following summarised reasons:

Residential Amenity:

- Noise disturbance from the equipment operating, which would harm the enjoyment of neighbouring residential properties including external areas;
- The machinery would operate at a much louder level than the minimum background noise level;
- The applicant's acoustic report used an alternative criteria;
- The attenuation of the noise is not explained satisfactorily;
- Would impact on external spaces;

Design:

- The equipment would harm the appearance of the building and the character and appearance of the conservation area;

Environment:

- Air conditioning equipment contributes to a harmful 'heat island effect' in central London;
- Should implement the City Council's guidance on means of efficiently ventilating a home

Other:

- There has been a history of refused applications relating to air conditioning equipment at this property, which neighbours have to object to;
- Misleading that the applicant considers the front vault option for the air conditioning unit will not work; in fact the applicant does not want the front vault option because it would be loud for them because the front vault would a location where the fans have to work harder as it will produce more heat in this location – this means the current application is unreasonable as it means that instead the noise impacts would be to neighbours.
- The property is for sale, so the applicant does not require the air conditioning unit going forward; and
- Other properties in the area do not have air conditioning units in a similar location.

PRESS NOTICE/ SITE NOTICE:

Yes

5.2 Applicant's Pre-Application Community Engagement

The applicant has not carried out pre-application community engagement. However, the application was submitted prior to the Council's Early Community Engagement Guidance Note.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London 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 Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 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.

6.2 Neighbourhood Planning

The application site is not located within an area covered by a Neighbourhood Plan.

6.3 National Policy & Guidance

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

7. BACKGROUND INFORMATION

7.1 The Application Site

138 Ebury Street is an unlisted property located within the Belgravia Conservation Area. It has been divided into two residential flats and the application relates to the upper floor flat.

7.2 Recent Relevant History

Planning Applications

On 11 March 2021, the City Council issued a certificate to confirm it would be lawful to install an air conditioning unit inside the front vault to serve the upper floor maisonette. (RN: 20/07261/CLOPUD)

On 13 March 2018, the City Council refused permission to increase the height of the parapet wall to the rear closet wing (RN: 18/00339/FULL) and on 25 October 2018 the

subsequent appeal was dismissed (RN: APP/X5990/W/18/3202298). The application was refused because the increase in height of the closet wing parapet wall would have harmed the appearance of the building and the character and appearance of the conservation area.

On 16 January 2017, the City Council refused permission for the installation of plant equipment and acoustic enclosure to the rear roof terrace above the ground floor flat (RN: 16/09669/FULL) and on 7 August 2017 the subsequent appeal was dismissed (RN: APP/X5990/W/17/3175247). The application was refused because the enclosure would have harmed the appearance of the building and the character and appearance of the conservation area and because insufficient information was provided to demonstrate that the equipment would not harm to the amenity of neighbouring residential occupiers.

On 10 May 2016, the City Council refused permission for the retention of one air conditioning unit and acoustic enclosure to rear roof of upper floor apartment (RN: 16/02295/FULL) and on 21 September 2016 the subsequent appeal was dismissed (RN: APP/X5990/W/16/3151332). The application was refused because the enclosure would have harmed the appearance of the building and the character and appearance of the conservation area

Enforcement

On 23 May 2022, the City Council wrote to the applicant warning them that they had installed an unauthorised air conditioning unit on rear first floor flat roof. The applicant subsequently removed the unit.

On 22 June 2017, the City Council wrote to the applicant warning them that they had installed an unauthorised air conditioning unit to the rear. The applicant subsequently removed the unit and screen.

8. THE PROPOSAL

The application proposes the installation of an air-conditioning unit inside an enclosure. It would be located on top of the flat roof of at first floor level and at the rear of the building. It would be located underneath the window of the upper floor flat's kitchen area, adjacent to the closet wing.

9. DETAILED CONSIDERATIONS

9.1 Land Use

The development raises no land use implications.

9.2 Environment & Sustainability

Sustainable Design

City Plan Policy 38 seeks to ensure development responds to the likely risks and consequences of climate change by incorporating principles of sustainable design, including providing flexible spaces, enabling incorporation of future services/ facilities,

optimising resource and water efficiency and minimising the need for plant and machinery.

The applicant explains high temperatures have been recorded within their property during the summer heatwaves (and continuing climate change will result in these heatwaves occurring even more frequently and severely). They report it prevents them and their family from enjoying their home. Because the property encompasses the top floors of the building only, which experience more heat than lower floors, the applicant reports they have been unable to reside in the property during the summer months due to heat and have had to move out the property for extended periods at a significant cost and inconvenience.

In counter to the applicant, an objector contends the applicant has put the property up for sale. Irrespective of the applicant's personal circumstances, extreme heat is (and will continue to be) one of the climate change consequences affecting Westminster. Policy 38 envisages addressing this in a way which means the need for plant and machinery is reduced, and the use of resources optimised, but the application seeks to address extreme temperatures through an air conditioning unit which requires the use of relatively large amounts of electricity – this type of equipment also expels warm air. Objectors have raised these issues as a concern.

Natural ventilation of housing should be the starting point to avoid the use of mechanical systems – however, in this case because the application relates to an upper floor flat to an existing historic building, there are more limited options to improve the internal temperatures the applicant has experienced. While the concerns regarding energy use and a heat island affect are understandable, a single unit as proposed here would not have a detrimental impact in these respects. Overall, while the position of the objectors are understood, it is not considered reasonable to refuse permission on sustainability grounds.

9.3 Biodiversity & Greening

Given the nature of the application, there is limited scope to provide biodiversity or greening gains – although the submission indicates the top of the enclosure would be used for planting which would be welcomed.

9.4 Townscape, Design & Heritage Impact

Legislative & Policy Context

The key legislative requirement in respect to conservation areas is as follows:

Section 72 of the LBCA 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 relevant policies relating to design, townscape and heritage in the City Plan are Policies 38, 39 and 40. These require developments to respond positively to Westminster's townscape, including the character and appearance of the existing area, adjacent building and heritage assets. Heritage assets and their settings will be conserved and enhanced, and this includes conservation areas. Unlisted buildings that make a positive contribution to a conservation area will be conserved.

Location, Detailed Design and Impact on Heritage Assets

Westminster City Council have previously confirmed that it would be lawful to install an air conditioning unit within the front vault – these works would not require planning permission because they would not affect the external appearance of the building or the vault. In terms of impact upon the character and appearance of the Belgravia Conservation Area and the appearance of the building, this location would have no impact.

As set out above, in 2018, 2017 and 2016 the City Council refused permission for various proposals for an air conditioning unit and associated works solely or partly on the grounds of harm to the character and appearance of the conservation area and building – all of which were subsequently dismissed at appeal by the Planning Inspectorate. These proposals involved altering the closet wing by either extending it upwards to place new equipment inside, placing a large enclosure in front of the closet wing or on top of it. These would have all been more prominent than what is proposed under the current application.

The current application had proposed two options, and upon advice from officers the applicant has chosen to propose the option involving a smaller enclosure. It would be the width of the first floor rear window to the main building, and it would be on top of a flat roof. This location is more discreet than the location of the previously refused enclosures. The enclosure is also significantly smaller than the enclosures previously refused.

While this currently proposed enclosure would still be visible in some local private views, because of its discreet position, small size and suitable enclosure, it would not be harmful to character and appearance of the conservation area or building. Therefore, the application complies with City Plan Policies 38, 39 and 40.

9.5 Residential Amenity

City Plan Policies 7 and 33 seek to protect residential amenity, including in terms of light, privacy, sense of enclosure, noise, vibration and encourage development which enhances the residential environment, quality of life, health and wellbeing and local environmental quality.

Neighbours have raised concern regarding the impact the air conditioning unit would have on the enjoyment of their homes, particularly in terms of noise and vibrations.

The applicant originally provided an acoustic assessment that related to equipment located in a position proposed under a previous planning application. During the course of this application, the applicant provided a new acoustic assessment to address the location relevant to the current application and they updated this assessment to take into account the proposed acoustic enclosure.

The assessment measures the existing background noise level and formulates a design criterion for the proposed equipment. It identifies the nearest residential window to be at 136 Ebury Street, although an objector notes this is in fact a glazed door to their roof terrace.

The assessment measures the existing minimum background noise level as 32 dB(A) during the day and 31 dB(A) at night. If the air conditioning unit were to operate without an acoustic enclosure, the acoustic assessment finds the noise outside the nearest residential window/door would be approximately 40 dB(A). An objector disputes this because the unit itself would produce 70 dB(A), however the acoustic report correctly considers attenuation provided by distance and building envelope etc. (which would reduce this). The distance considered in the report (approximately 3 metres) is correct.

The report does set out a method to produce a design criterion that the objector is correct to say departs from the requirements of the City Council's Environmental SPD. The SPD requires the sound emission level from plant equipment to not exceed 10 dB(A) below the minimum background noise level at the nearest noise sensitive receptor (i.e. a residential window or door). This means during the day the noise level should not exceed 22 dB(A) and the Environmental Health Officer confirms this should be the design criteria. The applicant's acoustic assessment demonstrates that without an acoustic enclosure this would not be achieved (because it would be 40 dB(A)).

However, the applicant does propose an acoustic enclosure. It would provide sound reduction of 28 dB(A) and the applicant updated their acoustic assessment to address this. This reduction means the noise outside the window/ door at the first floor of 136 Ebury Street would be 12dB(A) during the day. This would be significantly below the existing minimum background noise level – this would also be the case at night. For windows/ doors further away, the additional distance would further attenuate the noise.

Overall, the Environmental Health Officer has considered the applicant's acoustic assessment and advise it demonstrates that the proposed air conditioning equipment would not be harmful to neighbours in terms of noise and vibrations. This is subject to appropriate conditions which are recommended in the draft decision letters which will ensure that this equipment meets the City Council's noise standards. A condition is also recommended to ensure that the acoustic enclosure is installed prior to operation of the unit.

The objector raises concern regarding the impact on their roof terrace. Because this roof terrace is adjacent to the door which has been assessed in the report, this area too would not experience noise levels above 10 dB(A) below the existing minimum background noise level.

Because of the location of the enclosure relative to neighbouring properties, there would

be no harmful impact in terms of loss of light or increased enclosure.

9.6 Transportation, Accessibility & Servicing

The development would have no transportation, accessibility or servicing implications

9.7 Economy including Employment & Skills

The development would not result in any notable economic benefits.

9.8 Other Considerations

Alternative Location for the Plant Equipment

The City Council has previously confirmed it would be lawful to install an air conditioning unit within the front vault – these works would not require planning permission because they would not affect the external appearance of the building or the vault.

The applicant explains that the front vault location would in fact not work well. They contend it is difficult to run the required piping safely through the neighbouring property (i.e. the lower floor flat at 138 Ebury Street) and from a technical perspective the distance is too long and would cause a condenser pump to seize or overheat– the applicant explains the need for the current application is to ensure that the unit is closer to the flat.

An objector states it is misleading that the applicant considers the front vault option for the air conditioning unit will not work; they say in fact the applicant does not want the front vault option because it would be too loud for the applicant because the front vault is a location where the fans have to work harder as it will produce more heat in this location – the objector contends the current application is unreasonable as the currently proposed location would impact other neighbours in terms of the noise instead.

While the vault option would be preferable from a design and townscape perspective, the alternative option proposed by the applicant is not considered harmful to the conservation area or the building because while visible from some views in neighbouring buildings it would be discreet and enclosed (as set out in section 9.4). The applicant's acoustic assessment also demonstrates the equipment would not be harmful in terms of noise or vibrations (as set out in section 9.5). Overall, this report concludes that the proposed option on the rear roof at first floor is not harmful. Whether or not the vault option is a viable alternative, because the option proposed under this application is not harmful it accords with the City Plan – applications that accord with the development plan of an area should be approved.

9.9 Environmental Impact Assessment

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

9.10 Planning Obligations & Pre-Commencement Conditions

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

10. Conclusion

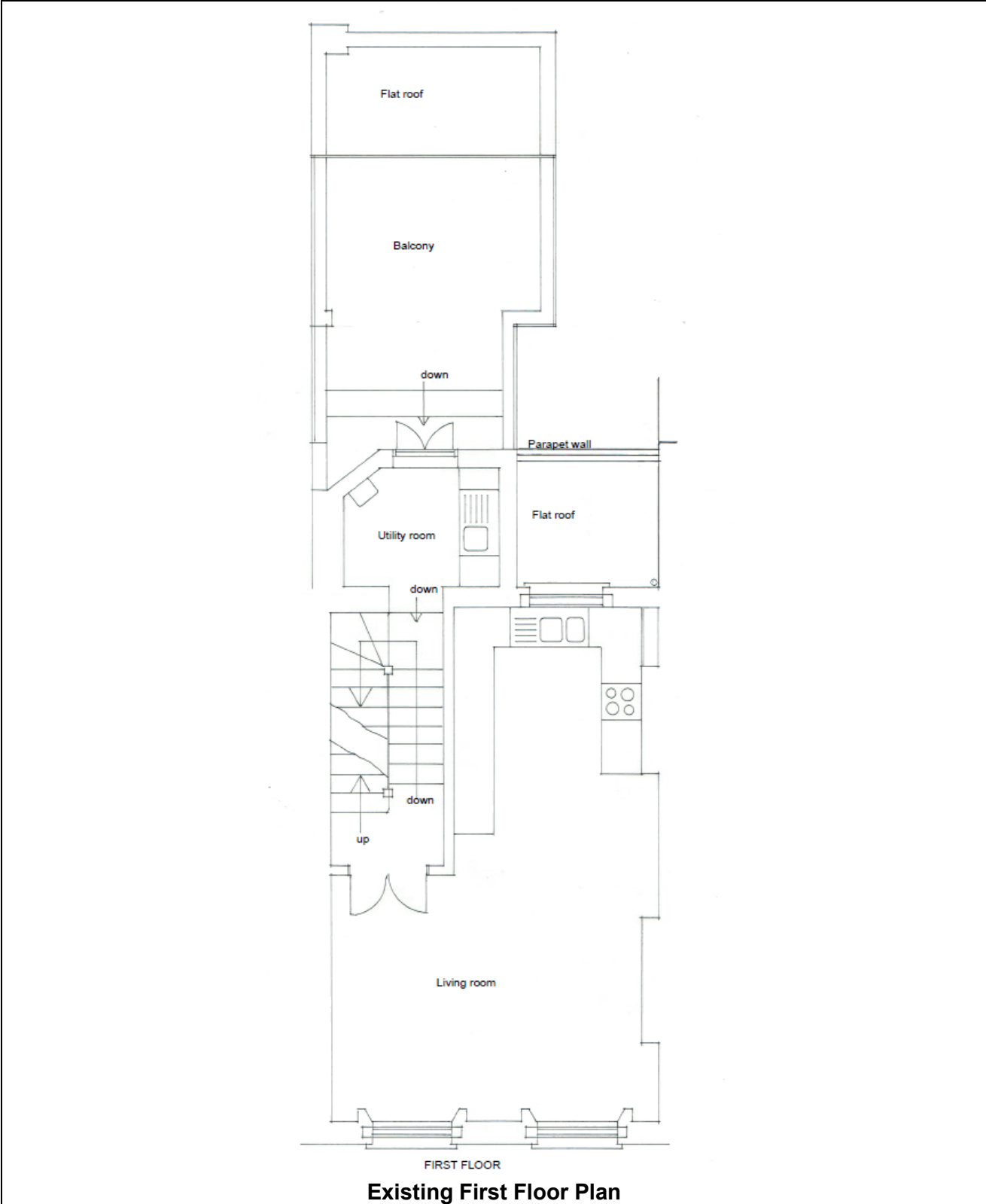
While the objector's concerns regarding the installation of air conditioning equipment are understandable, in this case the proposed equipment would not result in harmful disturbance to neighbours in terms of noise and vibrations because the applicant proposes to house it within an acoustic enclosure. Because of this enclosure, along with its position, the works would not be harmful to the overall character and appearance of the conservation area or building. While the concerns regarding the environmental impact of air conditioning units are understood, it is not considered the application could be refused on this basis.

As such, the proposal is considered acceptable, mindful of policies 7, 33, 38, 39 and 40 of the City Plan 2019-2040 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.

(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: JOSHUA HOWITT BY EMAIL AT jhowitt@westminster.gov.uk

11. KEY DRAWINGS



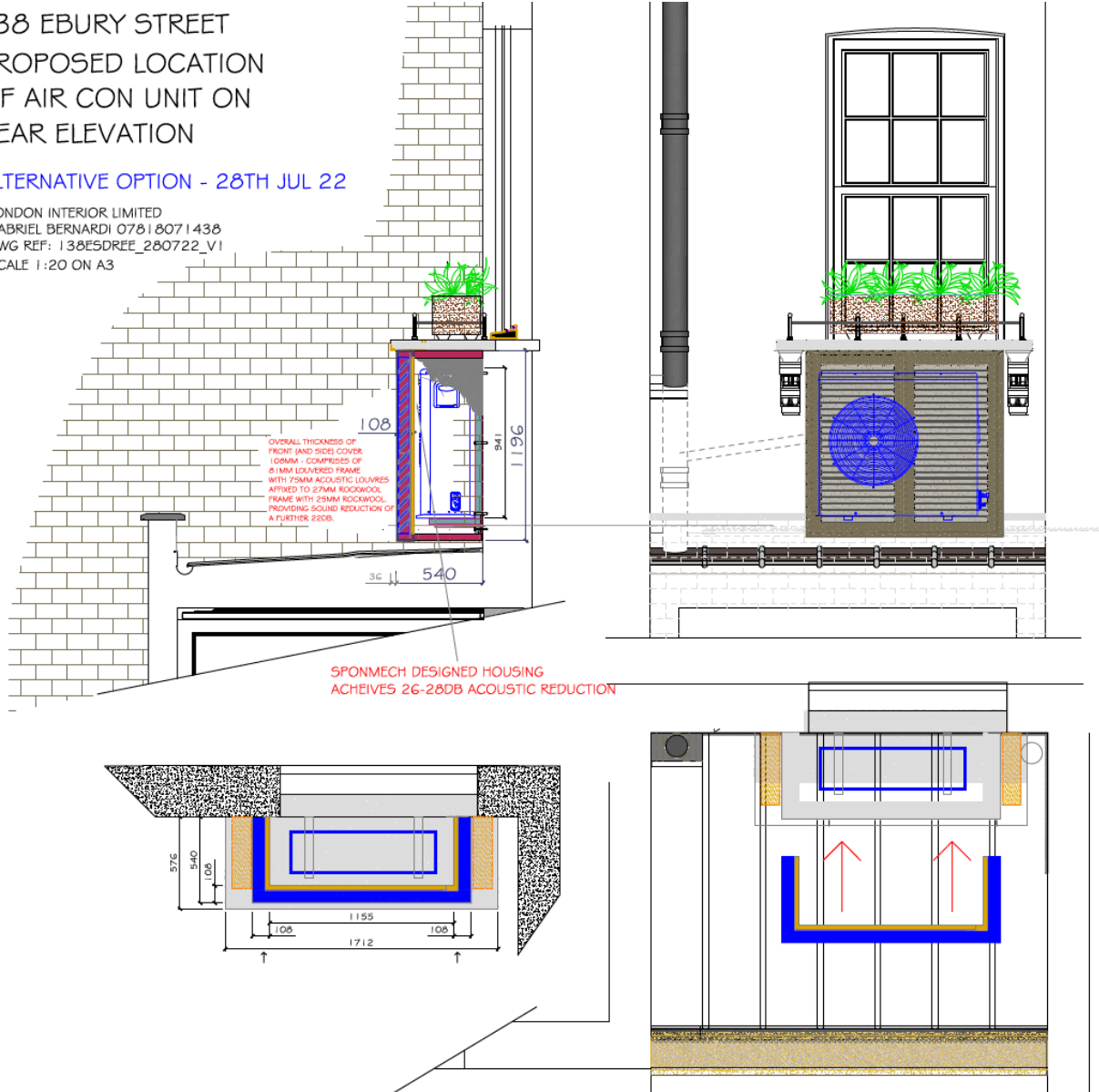


Existing Rear Elevation

138 EBURY STREET
PROPOSED LOCATION
OF AIR CON UNIT ON
REAR ELEVATION

ALTERNATIVE OPTION - 28TH JUL 22

LONDON INTERIOR LIMITED
GABRIEL BERNARDI 0781 8071 438
DWG REF: 138ESDREE_280722_V1
SCALE 1:20 ON A3



Proposed Drawings



Computer Generated Image of Proposed Unit

DRAFT DECISION LETTER

- Address:** Upper Floor, 138 Ebury Street, London, SW1W 9QQ
- Proposal:** Installation of air-conditioning unit in enclosure formed of a flat roof at the first-floor rear elevation.
- Reference:** 21/00868/FULL
- Plan Nos:** Location Plan; Block Plan; 138ESDREE_280722_v1; 05-0221-01; 05-0221-04; Sponmech spec sheet; and Acoustic Report 24704.PCR.01 Rev B.

For Information:
Images and Planning Statement.

Case Officer: Joshua Howitt

Direct Tel. No. 07866038007

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

- 4 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)

- 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 Environmental Supplementary Planning Document (February 2022). (R48AB)

- 6 (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 Environmental Supplementary Planning Document (February 2022), 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)

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.

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