



City of Westminster

Committee Agenda

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

Meeting Date: **Tuesday 24th January, 2023**

Time: **6.30 pm**

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

Members: **Councillors:**
Paul Fisher (Chair)
Nafsika Butler-Thalassis
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, Jack Robinson-Young, Committee and Governance Officer.

**Email: jrobinson@westminster.gov.uk
Corporate Website: www.westminster.gov.uk**

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note that Councillor Nafsika Butler-Thalassis was substituting for Councillor Ryan Jude

To note any further changes to the membership.

2. DECLARATIONS OF INTEREST

To receive declarations by Members and Officers of the existence and nature of any pecuniary interests or any other significant interest in matters on this agenda.

3. MINUTES

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

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 - 8)

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

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|--|--------------------------|
| 1. APARTMENT 7.01, 9 MARYLEBONE LANE, LONDON, W1U 1DB | (Pages 11 - 36) |
| 2. 6 BEDFORD STREET, LONDON, WC2E 9HZ | (Pages 37 - 72) |
| 3. APPLICATION 1: 29 GREAT PETER STREET, LONDON, SW1P 3LW | (Pages 73 - 96) |
| 4. APPLICATION 2: 29 GREAT PETER STREET, LONDON, SW1P 3LW | (Pages 97 - 120) |
| 5. 6 THE LANE, LONDON, NW8 OPN | (Pages 121 - 164) |
| 6. FLAT 44, ASHWORTH MANSIONS, ELGIN AVENUE, LONDON, W9 1JP | (Pages 165 - 178) |

**Stuart Love
Chief Executive
13 January 2023**

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 1st November, 2022**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Paul Fisher (Chair), Ryan Jude, Md Shamsed Chowdhury, and Barbara Arzymanow

Also Present: Councillor Patrick Lilley

1 MEMBERSHIP

1.1 There were no changes to the membership.

2 DECLARATIONS OF INTEREST

2.1 Councillor Paul Fisher explained that a week before the meeting, all four Members of the Sub-Committee were provided with a full set of papers including a detailed officer's report on each application; together with bundles of every single letter or e-mail received in respect of every application, including all letters and emails containing objections or giving support. Members of the Sub-Committee read through everything in detail prior to the meeting. Accordingly, if an issue or comment made by a correspondent was not specifically mentioned at this meeting in the officers' presentation or by Members of the Sub-Committee, it did not mean that the issue had been ignored. Members would have read about the issue and comments made by correspondents in the papers read prior to the meeting.

2.2 The Sub-Committee noted that there were no late representations submitted.

2.3 Councillor Paul Fisher declared that in respect of Item 3 the site was located within his ward. He advised that Councillor Patrick Lilley was making a deputation on the Application and informed that they were both members of the same Political Group and represented the same Ward. Councillor Fisher informed that Councillor Lilley was also a friend.

2.4 Councillor Md Shamsed Chowdhury declared that in respect of Item 3, Councillor Patrick Lilley was making a deputation on the Application and

advised that they were both members of the same Political Group and that they were friends.

2.5 Councillor Ryan Jude also made the same declaration.

3 MINUTES

3.1 RESOLVED:

That the minutes of the meeting held on 26 July 2022 be signed by the Chair as a correct record of proceedings.

4 PLANNING APPLICATIONS

1 6 BEDFORD STREET, LONDON, WC2E 9HZ - WITHDRAWN

2 6A LANGFORD PLACE, LONDON, NW8 0LL - WITHDRAWN

3 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.

Peter Freeman addressed the committee in objection of the application.

Cllr Patrick Lilley addressed the committee in objection of the application.

RESOLVED: (DEFER: Councillors Paul Fisher, Ryan Jude, and Barbara Arzymanow. REFUSE: Councillor Md Shamsed Chowdhury)

1. That the Application be deferred to a site visit to both the Applicant's site and properties of nearest affected residents.
2. That Condition 5 be amended to include PV's to be operational as well as installed.
3. That an additional Condition be included which requires details of the planting species and a Maintenance Plan.
4. That an informative be included which request the Applicant to engage with neighbours regarding the use and neighbourliness of terrace.

4 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.

RESOLVED UNANIMOUSLY:

1. That conditional permission be granted.
2. That an additional Informative be included which requires the Applicant to consider any future guidance the Council may come forth with in relation to air conditioning plant and the need to comply with any relevant Building Regulation.

The Meeting ended at 8.30 pm

CHAIRMAN: _____

DATE _____

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Agenda Annex

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 24th January 2023
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
1.	RN(s): 22/02368/FULL (Addendum Report) West End	Apartment 7.01 9 Marylebone Lane London W1U 1DB	Creation of a roof terrace at main roof level with metal and timber balustrades, roof access hatch and planter and relocation of photovoltaic panels and satellite dish to adjoining green roof.	MVP Property Trust
	Recommendation Grant conditional permission.			
2.	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 including installation of awnings; replacement ventilation system and installation of plant.	JD Wetherspoon PLC
	Recommendation Grant conditional permission.			
3.	RN(s): 22/01194/FULL St James's	29 Great Peter Street London SW1P 3LW	Installation of emergency smoke extract, emergency generator exhaust flue pipe and attenuator within external sunken lightwell; installation of 2 external airbricks for gas ventilation at plinth level on the front elevation; and associated works. (Retrospective application.)	Sapphire Alpha Ltd
	Recommendation Grant conditional permission.			
4.	RN(s): 22/03260/FULL St James's	29 Great Peter Street London SW1P 3LW	Installation of five condenser units and acoustic enclosure, acoustic canopy, and acoustic sound absorbent panels within external sunken lightwell. (Part retrospective application).	Sapphire Alpha Ltd
	Recommendation Grant conditional permission.			
5.	RN(s): 22/03562/FULL Abbey Road	6 The Lane London NW8 0PN	Demolition of rear of building including extensions; construction of new part-one, part-two storey side and rear extension, excavation of a basement, construction of new front porch, reduction and reconfiguration of size of existing outdoor swimming pool, construction of new out building in rear garden, installation of air source heat pump system in garden. Construction of a new garden wall and associated landscaping.	Dr Ruth Cooklin
	Recommendation Grant conditional permission.			

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 24th January 2023
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	<p>Recommendation Grant conditional permission.</p>
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Item No	References	Site Address	Proposal	Applicant
6.	<p>RN(s): 22/07511/FULL</p> <p>Maida Vale</p>	<p>Flat 44 Ashworth Mansions Elgin Avenue London W9 1JP</p>	<p>Replacement sash windows with timber framed double glazed sash windows.</p>	<p>Ms Helen Cooke</p>
<p>Recommendation Grant conditional permission</p>				

Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 24 January 2023	Classification For General Release	
Addendum Report of Director of Town Planning & Building Control		Ward(s) involved West End	
Subject of Report	Apartment 7.01, 9 Marylebone Lane, London, W1U 1DB		
Proposal	Creation of a roof terrace at main roof level with metal and timber balustrades, roof access hatch and planter and relocation of photovoltaic panels and satellite dish 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

This application was reported to the Planning Applications Sub-Committee on 1 November 2022. Members resolved to defer consideration of the proposal for a site visit, which has since taken place. Since the previous report was published, but prior to the 1 November Committee, the roof plan was updated to show the location of the satellite dish. This revised plan is included in this report.

The application is reported to the Committee for further consideration.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: SARA SPURRIER BY EMAIL AT SSPURRIER@WESTMINSTER.GOV.UK

3. DRAWINGS



DRAFT DECISION LETTER

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

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

Reference: 22/02368/FULL

Plan Nos: 337_P20.010 V2 (planning issue date 1.11.2022), P30.001, P30.002, P30.003, P30.004, P40.000

Case Officer: Jo Palmer **Direct Tel. No.** 020 7641
07866040238

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 V2 and are fully operational.

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)

- 6 You must apply to us for approval of details of a planting scheme (including plant species) and a maintenance plan for the planted areas on the roof terrace. You must not start work on this part of the development until we have approved in writing what you have sent to us. You must then install the planters and planting in accordance with the approved details prior to the use of the roof terrace.

Reason:

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

Informative(s):

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

made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 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.
- 4 You are requested to engage with neighbours regarding the use and neighbourliness of the terrace.

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

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 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.

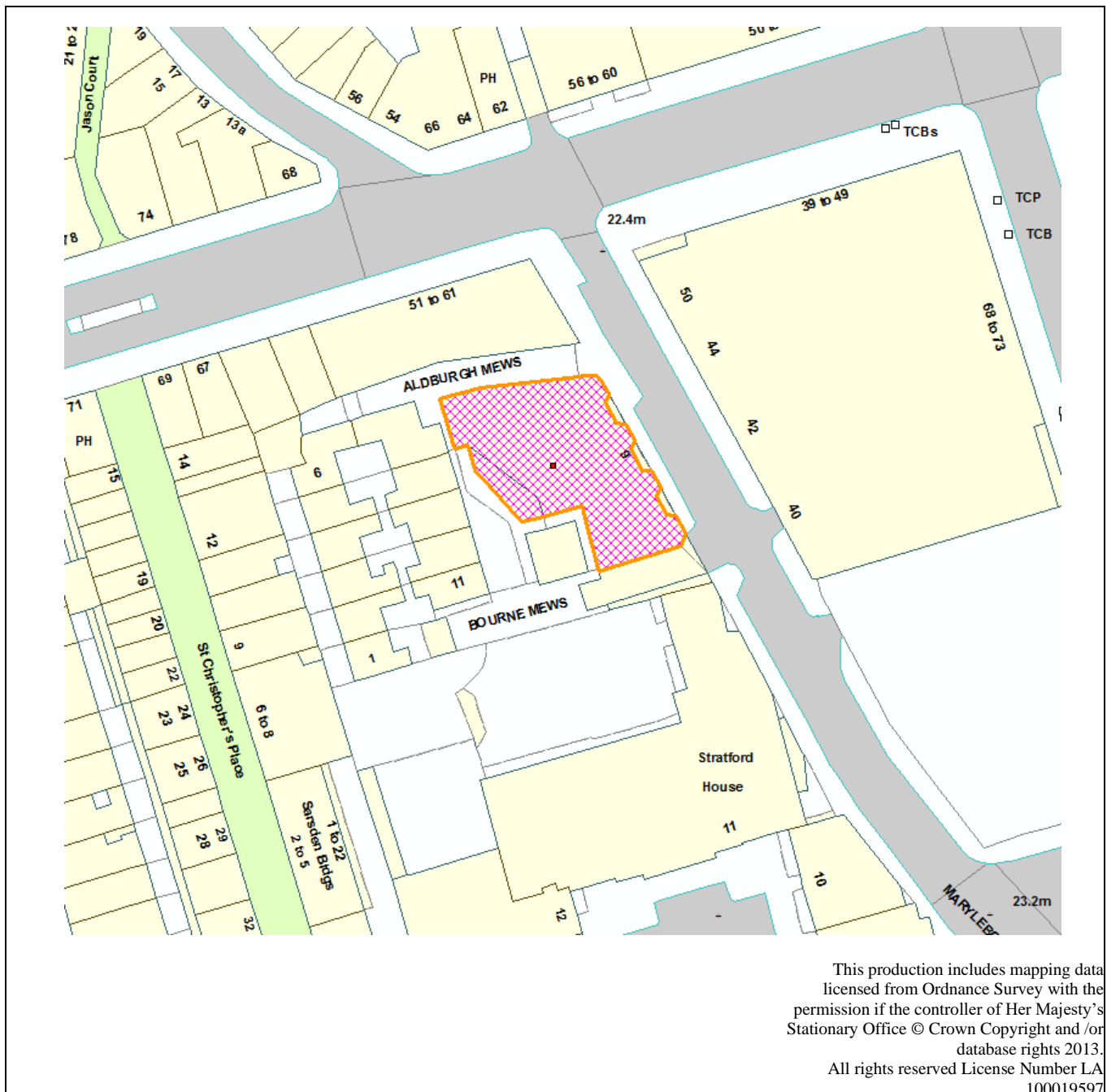
The key issues in the determination of this application are:

- 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;

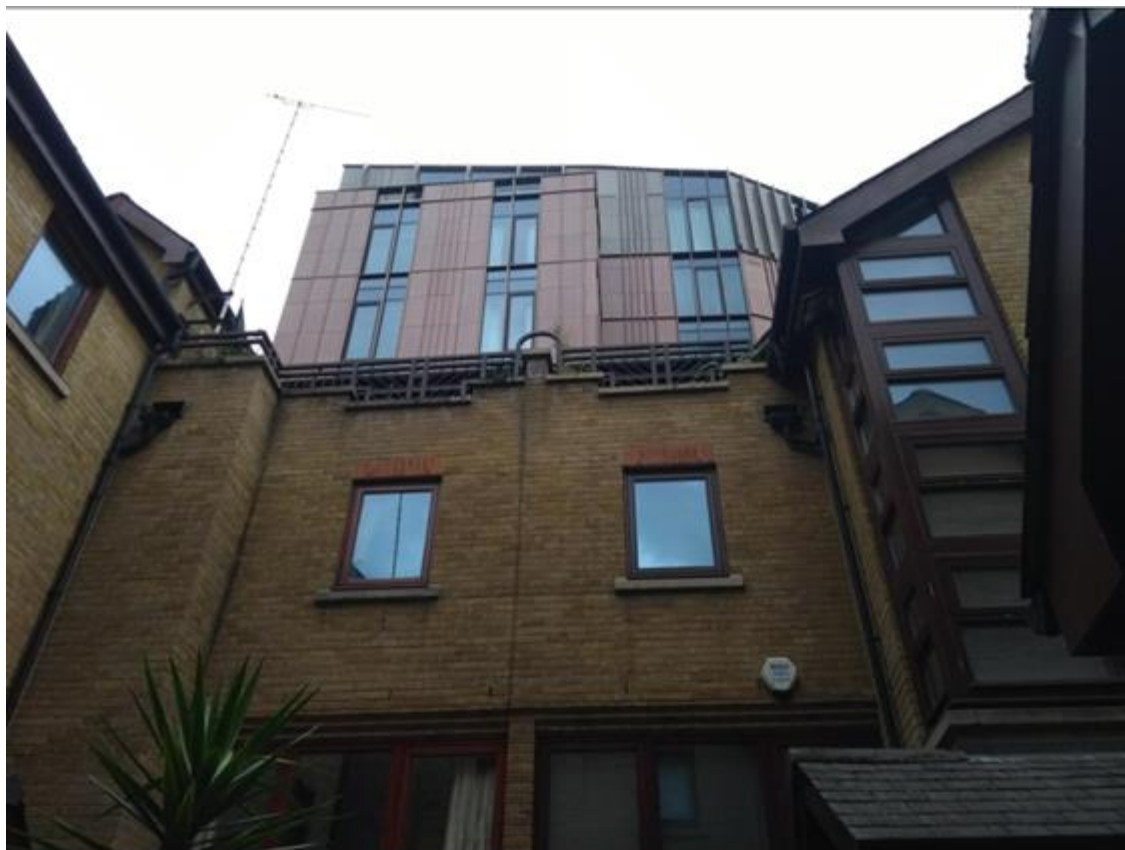
For the reasons set out in the report, the proposals are considered in accordance with City Council policies as set out in the City Plan 2019-2040 with respect to land use, design amenity and is recommended for approval.

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.

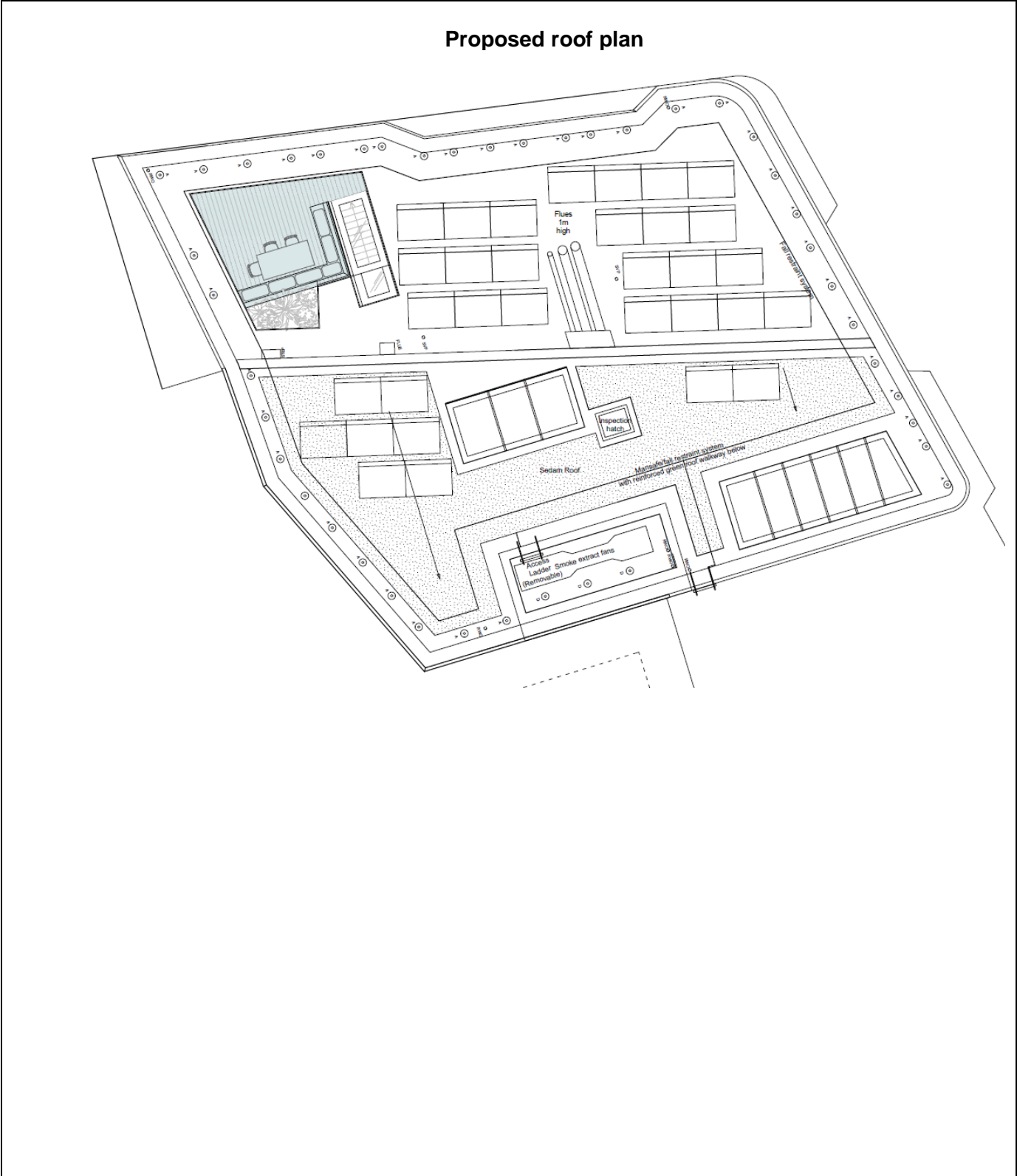
10. Conclusion

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

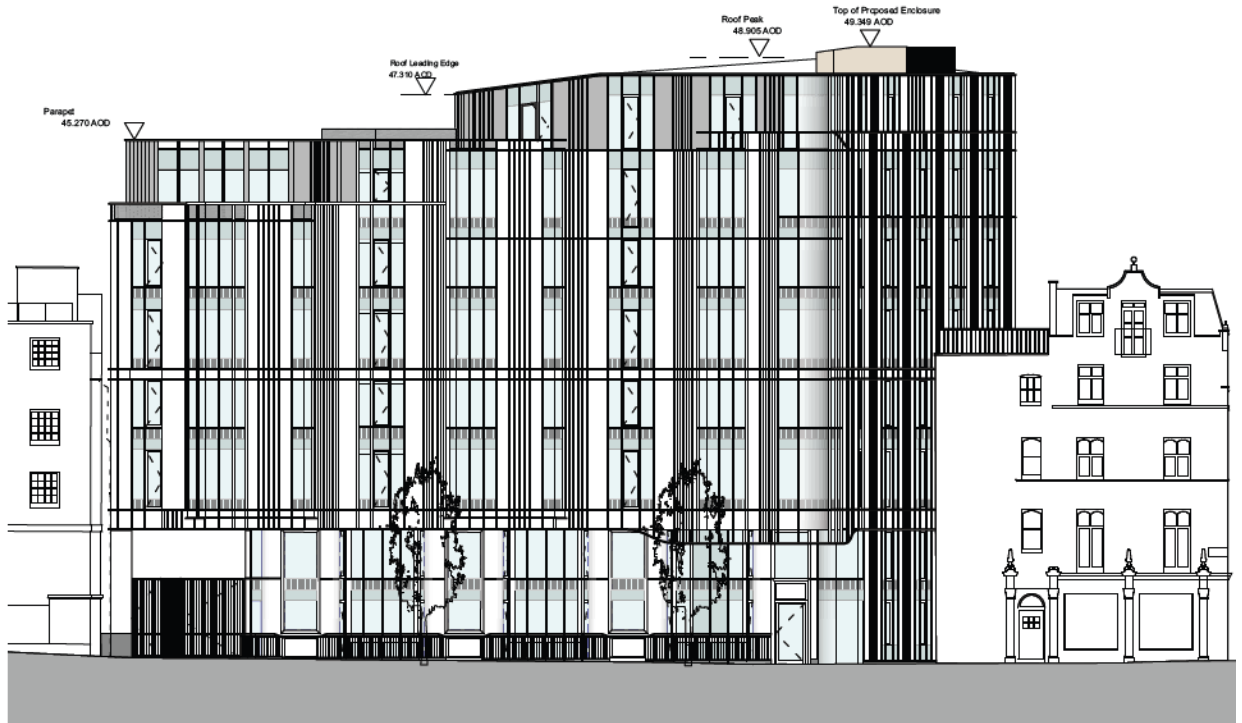
11. KEY DRAWINGS



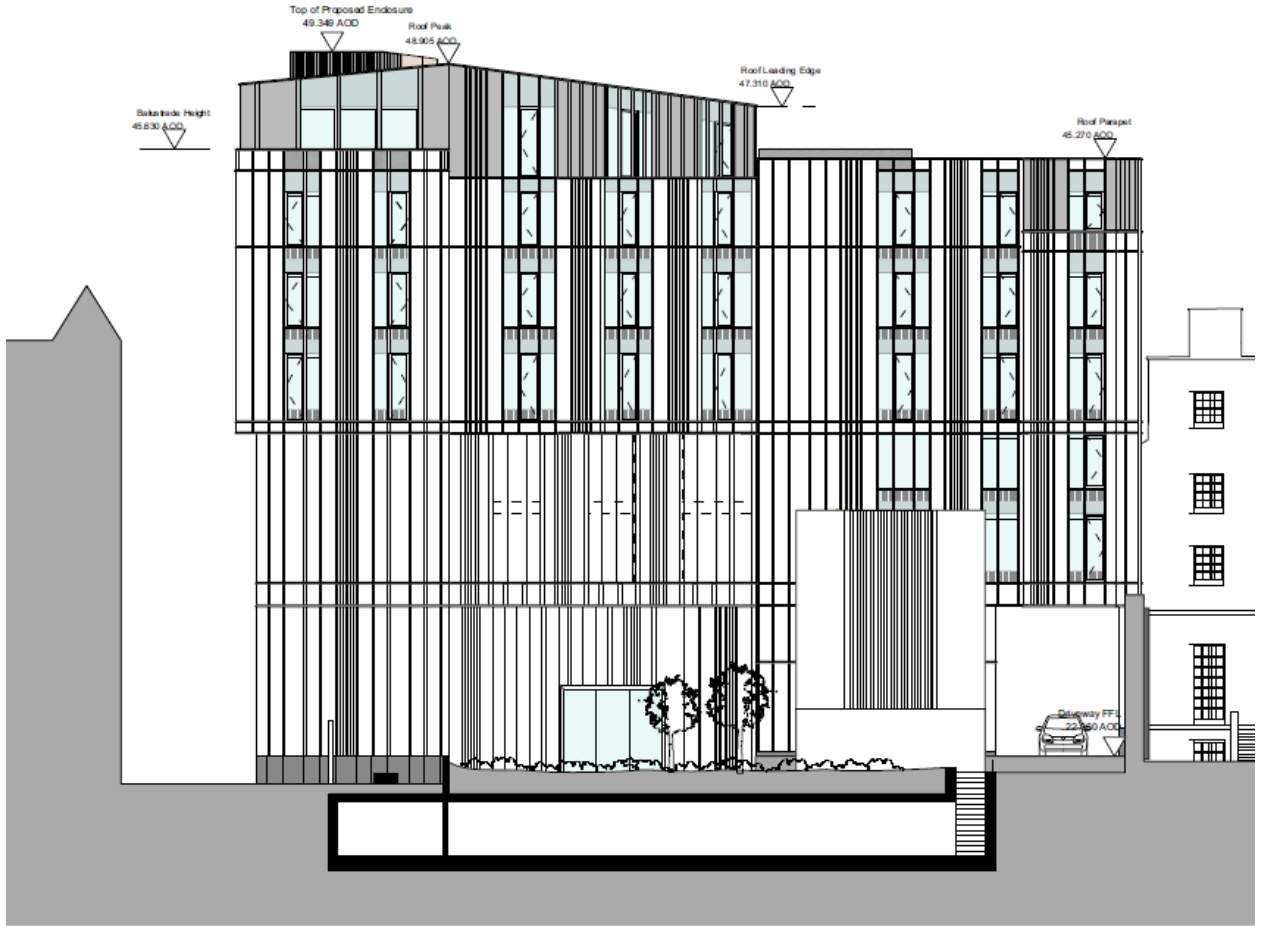
Proposed north elevation



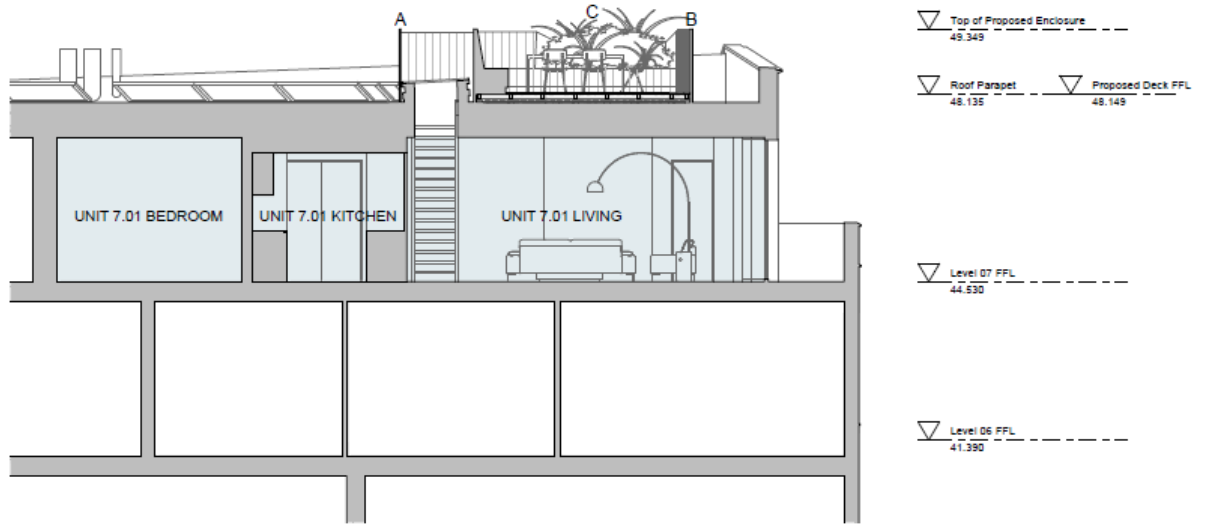
Proposed east elevation



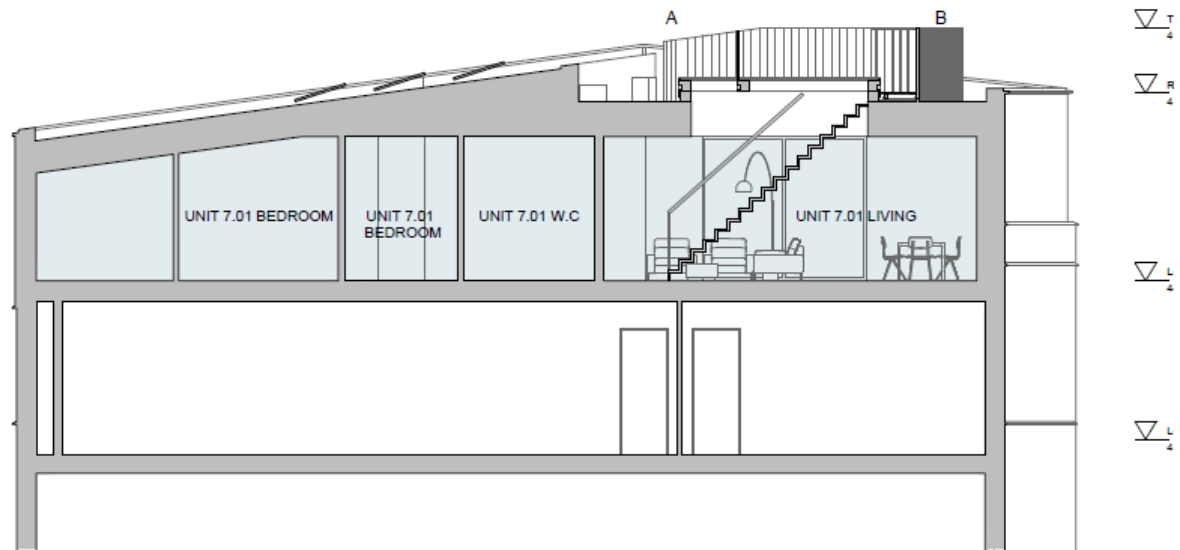
Proposed west elevation



Proposed sections

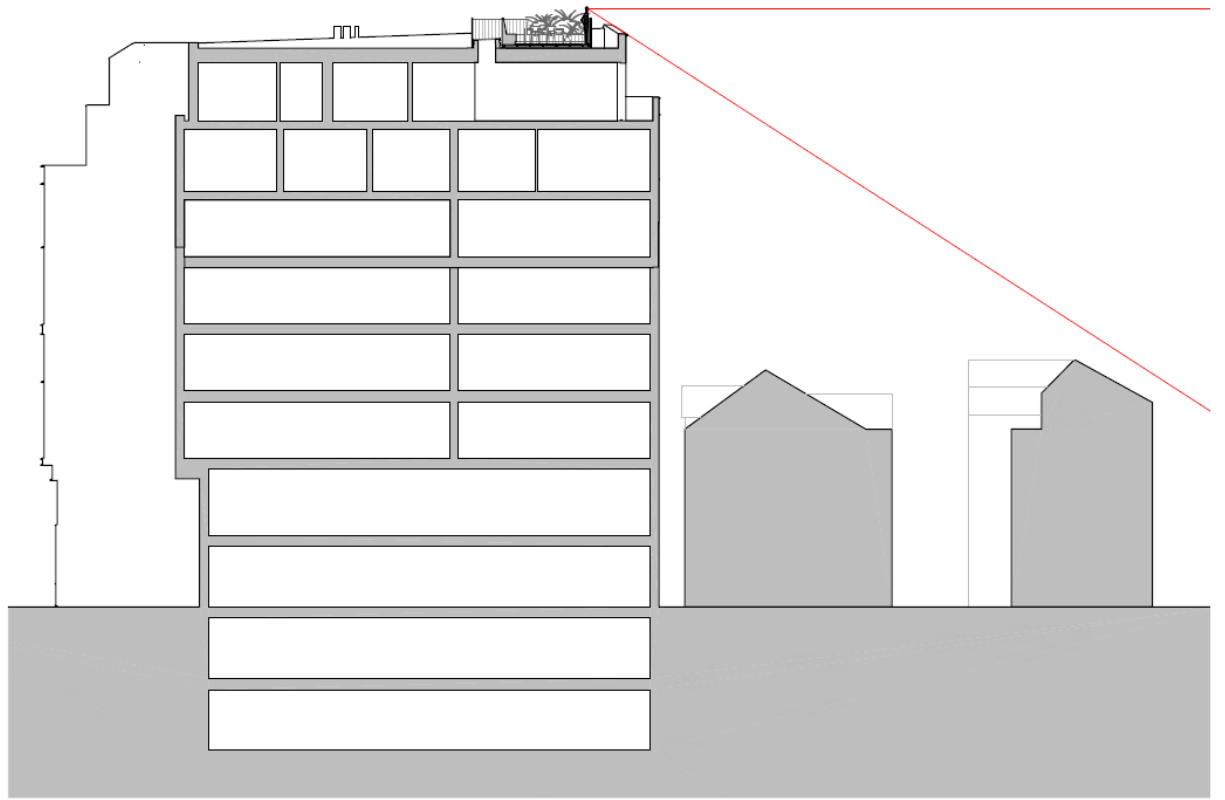


1 Proposed Section A-A
P40.001



2 Proposed Section B-B
P40.002

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.

Item No.
2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 24 January 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 including installation of awnings; replacement ventilation system and installation of plant.		
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	10 November 2022
Date Application Received	10 March 2022		
Historic Building Grade	Grade II		
Conservation Area	Covent Garden		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

<ol style="list-style-type: none"> 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.
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2. SUMMARY & KEY CONSIDERATIONS

<p>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 relates to part ground and basement levels of 6 Bedford Street and seeks to change the use from a restaurant unit (formerly TGI Fridays) to a public house, with internal and external alterations, the installation of a replacement ventilation system and new plant equipment.</p>
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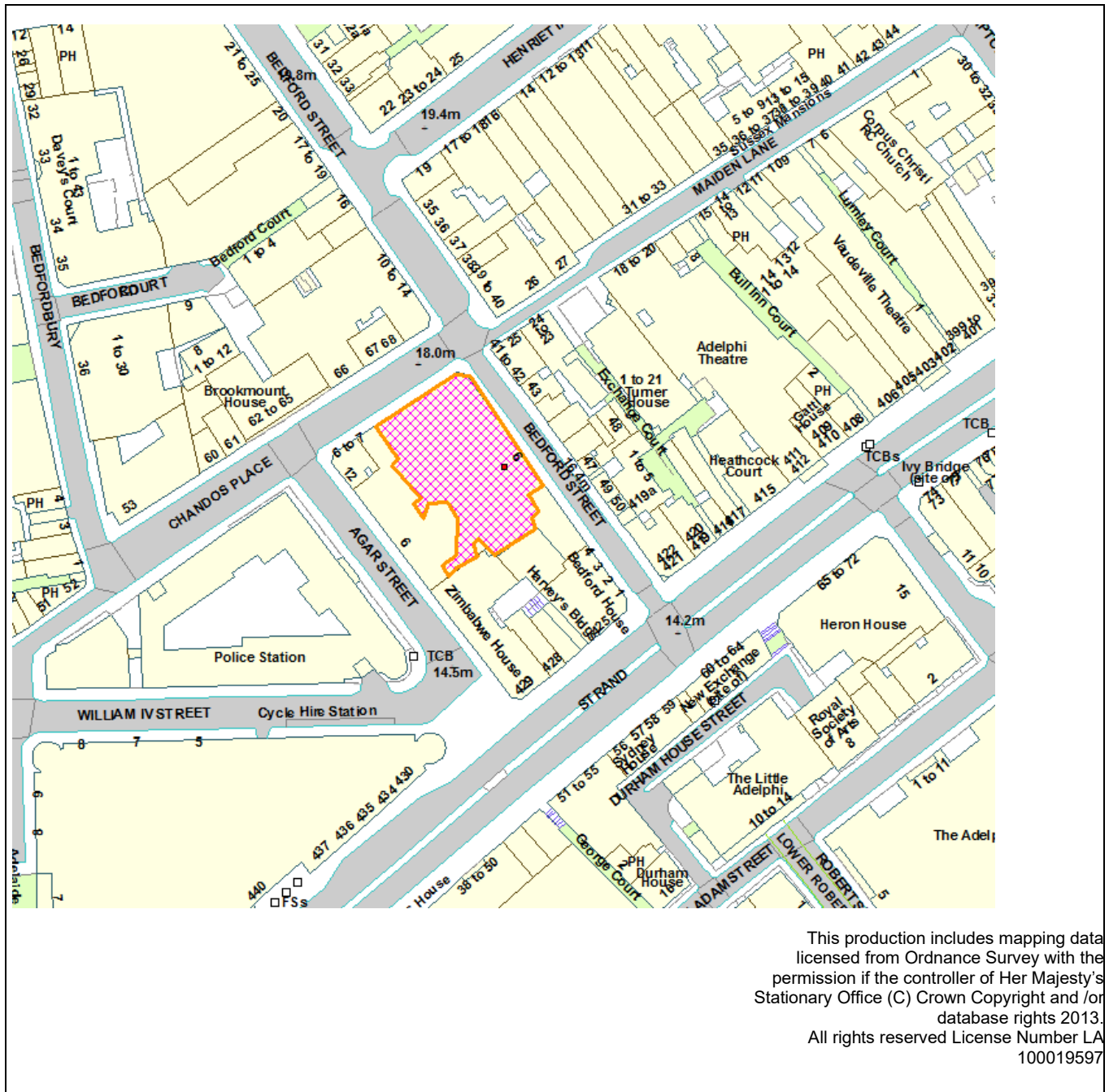
The application was scheduled to be considered at the Planning Applications Sub-Committee (2) meeting on 1 November 2022. Following further representations, the application was withdrawn from the agenda by officers. The report has been updated and the applicant has updated their management plan, acoustic information and reduced the proposed capacity of the public house. The police have been consulted and residents have been re-consulted.

The key considerations in this case are:

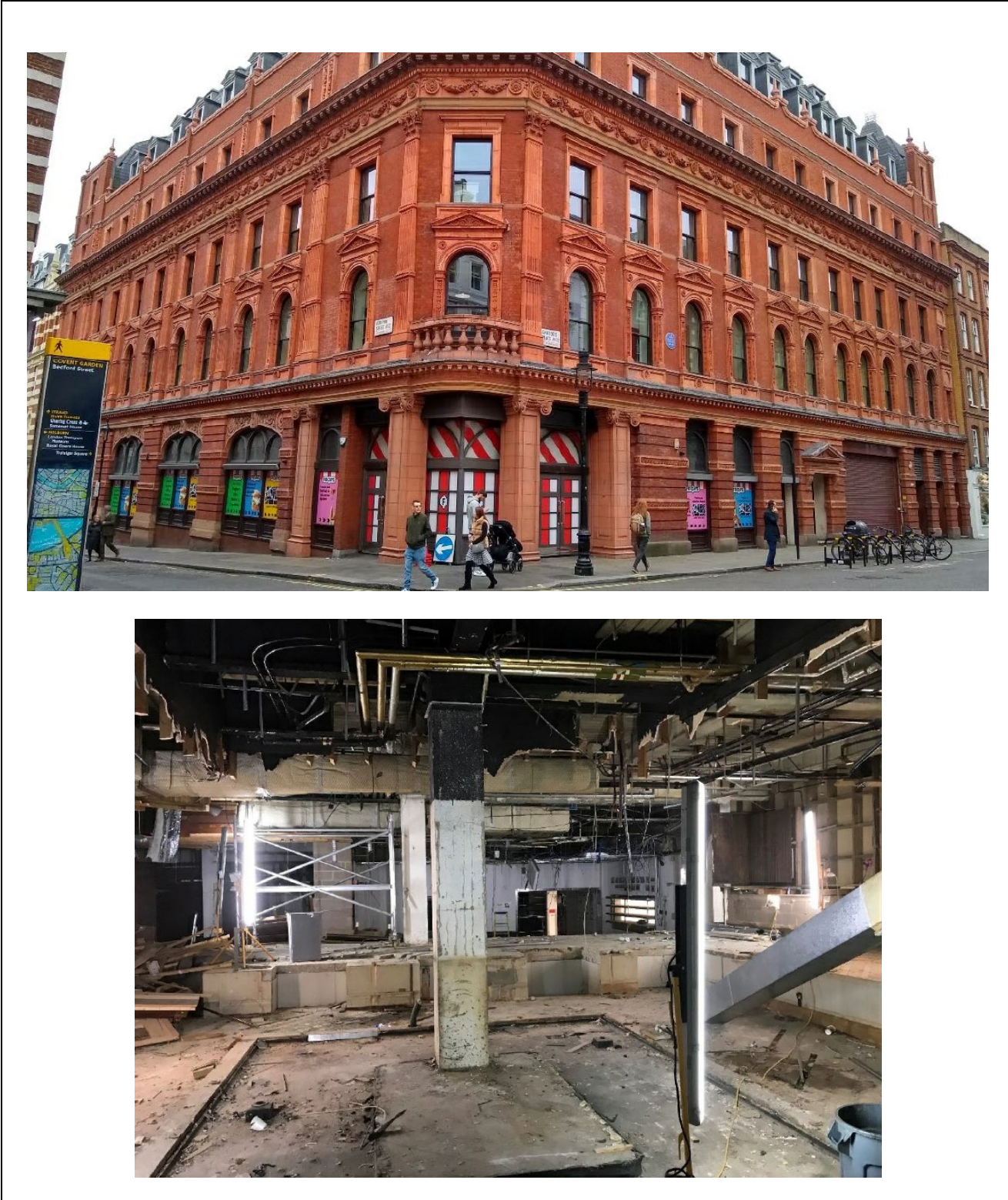
- The acceptability of a public house in this location in land use terms;
- The impact of the use and proposed equipment on the amenity of neighbouring residential properties and local environmental quality;
- The impact of the proposed alterations on the significance of the listed building and the character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

As set out in this report and following amendments to the proposal, 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 letter.

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 public house / bar uses within the area. There are 9 within 150m of the site.
- Impact on existing businesses and public houses within area. This type of public house which offers low-cost drinking would put pressure on 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 to 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.

In relation to the previously published report, concern raised regarding its accuracy in relation to hours, the existing licence and consideration of the capacity of the premises [the report was subsequently withdrawn by officers].

METROPOLITAN POLICE:

The top reported crimes in the area are theft, violence and sexual offences and anti-social behaviour. When it comes to a safe and secure environment for the visitors of 6 Bedford Street it's imperative that a good Management Plan is in place. This covers security, training of staff (Ask Angela & CT Awareness) and excellent CCTV.

At peak times, especially in the evening, security should be placed at the entrance/exit and wear Body Cams, to record any incidents. Provisions should be in place for any vulnerable mentally or physically ill persons (away from public view), with adequately trained staff. The roller shutter is of concern for staff. It has been suggested all staff with a pedal cycle should use the shutter when entering or exiting. This makes staff vulnerable when entering as they are waiting for the shutter to open and staff will not wait for shutters to fully close which means tailgaters may enter unnoticed.

ENVIRONMENTAL HEALTH:

The kitchen and extract information is acceptable, although details of the system should be secured by condition and the applicant should be advised on requirements to discharge the 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 to open expect between 08:00 and 22:00hrs.

WASTE PROJECT OFFICER:

Waste and recycling storage should be labelled R for mixed recycling, W for general waste, and O for food waste on the proposed drawings.

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 as a 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: 32

No. of objections: 32

No. in support: 0

In summary 32 neighbours/ representatives of local groups/ resident associations and 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 is 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 deliveries 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. The council has published guidance to assist applicants and developers, their agents, and community representatives to more clearly understand the council's expectations for planning pre-application engagement. The guide supports developers to deliver earlier, more inclusive and more transparent and responsive community engagement in Westminster on their emerging development proposals.

Community engagement should occur at the earliest possible stage and prior to initial engagement with the council through its planning pre-application advice service. It provides communities with a meaningful role in shaping their places and allows developers to benefit from the insight that communities can provide through their unique local knowledge, test and refine ideas at an early stage and gather support for the general principles of their development proposal. Early community engagement can improve trust and relationships between developers and local communities, building greater overall support for development and a greater appreciation of the positive benefits that can be delivered for existing local communities by well-designed development.

It is therefore disappointing that the applicant did not carry out early community engagement. The applicant's agent has been reminded that in future the applicant ought to carry out this engagement because of the benefits it can bring both to them and the community. The planning and listed building applications must be considered on their merits, however.

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 Relevant History

On 14 July 1986, the City Council granted permission for use as a restaurant (RN: 86/00743/FULL). This permission refers to the site as being 425 Strand, and the proposed restaurant as being to the rear (i.e. the application site). A condition restricted the opening hours to be between 9:00 to 00:00 hours daily.

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 operate 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.

The application has been revised during the course of the application (including after it was scheduled to be considered at the 1 November planning committee meeting), and this report has been updated.

The applicant has revised their operational management plan, including reducing the hours and capacity of the proposed public house. The applicant now proposes opening hours of 08:00 to 00:00hrs (midnight) Monday to Saturday and to 23:30hrs Sunday; with a capacity of 450 customers. Acoustic information has also been updated

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.

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 protects existing public houses, and notes the loss of public houses throughout the city in recent years, despite the fact that they help make the city a desirable place.

City Plan Policy 7 and 38 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 predominantly 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, Bedford Street Wines at 33 Bedford Street, Blame Gloria at 20 Bedford Street, Lady of the Grapes at 16 Maiden Lane, The Maple Leaf on Maiden Lane, Punch and Judy on 40 Henrietta Street, the Marquis at 51-52 Chandos Place, Retro Bar on George Court, the White Swan on New Row, The Nell Gwynne Tavern on Bull Inn Court, the Round House on Garrick Street, the Lemon Tree on Bedfordbury and the Harp on Chandos Place. 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 of the public would accord with the 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 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's originally proposed operating hours were 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 Monday to Saturday and to 23:30hrs Sunday. The applicant has also reduced the proposed capacity from 590 to 450 customers.

The proposed terminating hour Monday to Saturday matches that of the restaurant use allowed under the July 1986 planning application (RN: 86/00743/FULL) (i.e 00:00hrs). It is understood that TGI Fridays operated within the planning condition relating to hours attached to the July 1986 planning permission (it is understood the restaurant normally closed at 23:00hrs). This is earlier than that which TGI Fridays was allowed to operate under their license, licensing records indicate that TGI Fridays operated under a licence that allowed them to be open between 10:00 to 00:30hrs Monday to Thursday, to 01:30hrs Friday to Saturday and to 00:00hrs Sunday. Although, the sale of alcohol was permitted within a shorter time frame and was associated with the sale of food. The other licensable activities authorised by that licence, in addition to the sale of alcohol, include playing of recorded music and private entertainment consisting of dancing, music or other entertainment. The July 1986 planning permission did not restrict these activities nor did it restrict capacity (although if those activities became more than ancillary to the restaurant use, planning permission would have been required for a new use). The proposed public house would be open earlier than the former restaurant, opening at 08:00hrs - under the July 1986 planning permission it a restaurant was allowed to open at 09:00hrs (although it is understood TGI Fridays opened at 10:00hrs).

While the City Council's licencing policy (which is separate to planning – and so this information is for reference) is to refuse applications for new licenses for public houses/bars 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 again 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).

Given the size of the floorspace, the public house would constitute a large drinking establishment use. However, the area to be used by public house customers would be smaller as the basement is not accessible to customers and 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 customer area is approximately 450 sqm, so over half of the unit is not areas for customers to sit. The applicant states that the premises would have maximum capacity of 450 customers. Some objectors have made comparison to the Porterhouse nearby on Maiden Lane – that premise has a similar overall floorspace, but a larger licensed capacity of 868. That public house also

plays music and has a dance floor. Nonetheless, the size and capacity of the proposed public house at 6 Bedford Street is larger than a typical public house in the area.

The proposed public house at 6 Bedford Street would have a capacity of 450 and provide 216 seats although because the tables and chairs would cover most of the area it would be unlikely that the 450 capacity would be reached. It is acknowledged that this notional capacity is greater than the number of customers the former restaurant would receive at any one time because all of its customers were seated to eat (it had a similar number of seats). 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 to partially open 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 be restricted to opening between 08:00 and 22:00hrs to limit noise escape. The applicant confirms 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. Customers would not be allowed to drink outside. 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 up to 30 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. 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 management plan accords with recommendations made by the Metropolitan Police in relation to security and training of staff.

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 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 when compared to a restaurant, in this case the terminal hour of operation would match 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 militate the impact of the change of use and so these elements of the proposed operations are recommended to be secured by condition. This includes requiring the applicant to make substantial food available to customers from the start of opening until one hour before closing.

Concern has been raised regarding the behaviour of customers, particularly in conjunction with the other premises in the area; and that the pattern of use of a public house during the day and night differs significantly to a restaurant. There would be an increase in capacity over the restaurant use and the proposal is for a public house, and therefore drinking would be the most significant part of the business which would differ to a restaurant. However, this difference in activity does not necessitate that there would be a harmful impact on residential amenity or the character and function of the area. In the context of a busy commercial area, people drinking within and leaving these premises is not likely to make a perceivable difference to the levels of noise or disturbance in the area. The applicant's acoustic information demonstrates that the internal noise would not be audible to neighbours in their homes, there would be no external drinking allowed and customers leaving the premises would be well absorbed into this predominately commercial area where the streets are already busy.

Numerous other restaurants and public houses in the area have external seating associated with them, in particular on and the streets around the Covent Garden Market Building, which allow customers to eat and drink outside, often in close proximity to residential units. In contrast, a condition is recommended to this public house which would prevent external drinking and no external seating is proposed (and even if a separate application were to be made proposing external seating, the condition would remain). In comparison therefore, this public house would likely generate less external noise than these other premises.

The nearby premises listed toward the beginning of this section vary in terms of their licensed opening hours depending on the premises and the day of the week. In general, on a Friday and Saturday these premises in the area close between 23:30 and 00:30 hours (an exception to this is Mr Fogg's which can close at 02:30 hours). In terms of opening times, this generally varies from 07:00 to 10:00 hours on Fridays and Saturdays. In this context, the opening hours proposed by the applicant is consistent with the pattern of opening hours in the area and is not considered unreasonable.

While concern raised about the cumulative impact of drinking establishments in the area is understood, it should be noted that Westminster has lost a significant number of public houses, as the City Plan and the Mayor of London have noted. The 2017 GLA published report 'Closing time: London's public houses' explains Westminster lost over 150 public houses between 2000 and 2017, a trend which has likely continued since 2017 – particularly considering the effects of the COVID-19 pandemic on the West End and hospitality businesses in general.

Given the circumstances described throughout this section of the report and the conditions recommended relating to capacity, hours of operation, restrictions to the windows and doors, food provision and to prevent the playing of music and drinking outside, the change of use to a public house would not represent a significant worsening of the situation as compared to the existing restaurant in terms of impact on residential amenity or local environmental quality; and would be compatible with the character and function of this predominately commercial area. As such, it is considered to be of a type and size appropriate to this location, and 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 to the building to achieve improved 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 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 that are recessed between brick piers. The facades have a Roman Renaissance style, plus the building contains roof storeys.

The proposed alterations externally to the ground floor frontage 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 installation of awnings, these would not harm the character and appearance of the area or the significance of the listed building. The applicant states the awnings would include advertisements, although the drawings show them to comprise a blank canvas. Blank awnings would require planning and listed building consent, but if an advertisement is included planning permission would not be required – they would require express advertisement consent if illuminated and would have deemed advertisement consent if not. Because they are shown on the application drawings, planning permission is recommended to be granted for them subject to condition to amend their design to ensure that the awnings adhere to the City Council's guidance regarding vertical clearances from the pavement and horizontal clearance from the carriageway. An informative is also added to advise regrading advertisements.

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. The applicant has also assessed the impact of internal noise associated with the use as a public house which is discussed in section 9.1 of this report.

In relation to ventilation and extraction for cooking, 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 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 due 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. Full height ducts are the starting point for ventilation systems, however the applicant's submission has demonstrated that this can be operated without undue harm to neighbours and the Environmental Health Team accept this. 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 closest to it.

Other plant equipment is proposed in the rear courtyard. The applicant has assessed the noise and vibration impact within their noise assessment report and the City Council's Environmental Health Officer agrees it demonstrates there would be no harmful 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 the use 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 it does not accommodate vehicles internally. Therefore, vehicles will set down on-street and the deliveries will then be wheeled in and out of the delivery bay area, as was the case with the former restaurant operation. The refuse collection will 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 will not be carried out between 22:00 and 07:30hrs the next day. This will 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 will be very similar to the former restaurant operation and therefore it is unreasonable to oppose a continuation of a similar operation.

The Waste Project Officer explains waste and recycling storage details are not in line with the Council's requirements because the drawings have not been labelled correctly, the correct labels are R for mixed recycling, W for general waste, and O for food waste (and not kitchen). The waste storage area is sizeable and this area is generally as per that previously used by the former restaurant operator, and therefore a condition is recommended to require the applicant submit a revised drawing containing the correct

labels. The applicant explains that no glass crushers will 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.

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. A condition is recommended to ensure it is provided. Following a comment from the police, the management plan has be updated to clarify staff with bicycles will not use the roller shutter entrance to the servicing area. 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 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 their location, in this case the proposed operations and controls, which are recommended to be secured by condition, would mean the impacts would not significantly worsen when compared to the former restaurant use, and given the existing context, it would be compatible with the

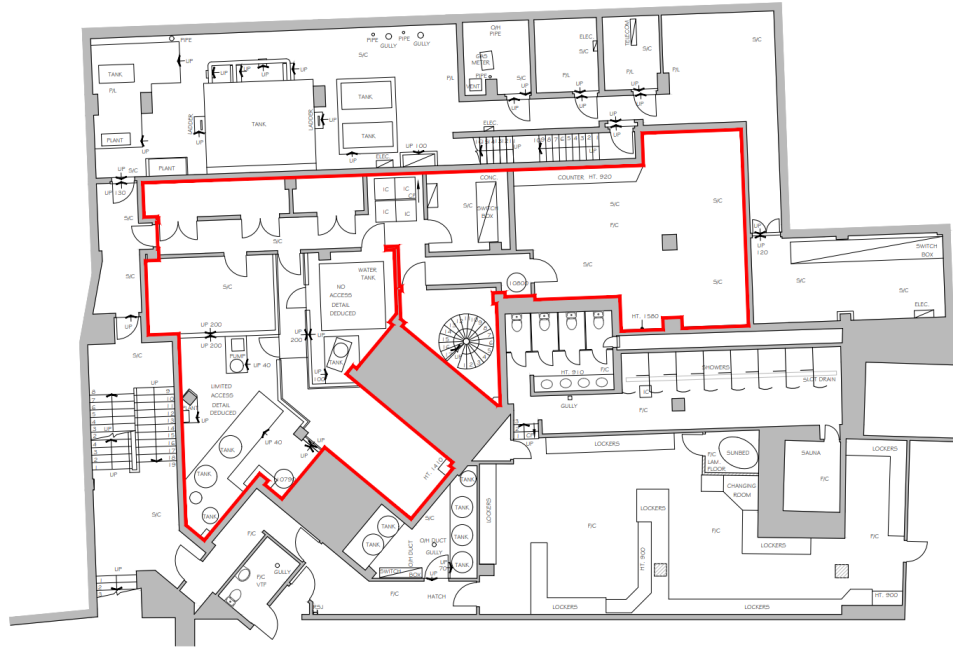
character and function of the area. The alterations to the building would be sympathetic and would not harm the special interest of the listed building or harm the character and appearance of the conservation area.

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)

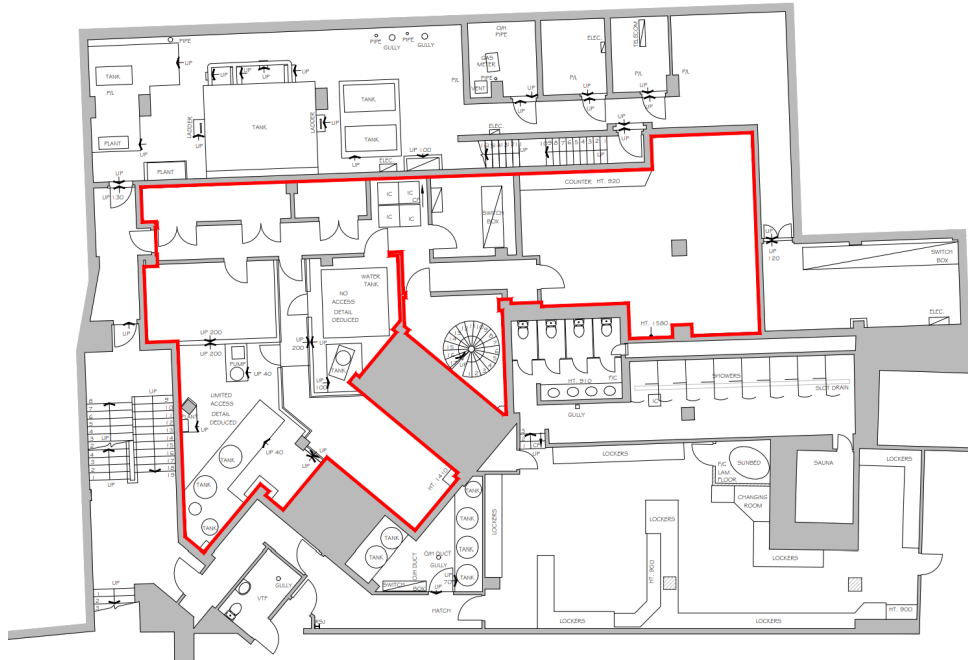
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: JULIA ASGHAR BY EMAIL AT jasghar@westminster.gov.uk

11. KEY DRAWINGS



EXISTING BASEMENT PLAN
scale 1:100

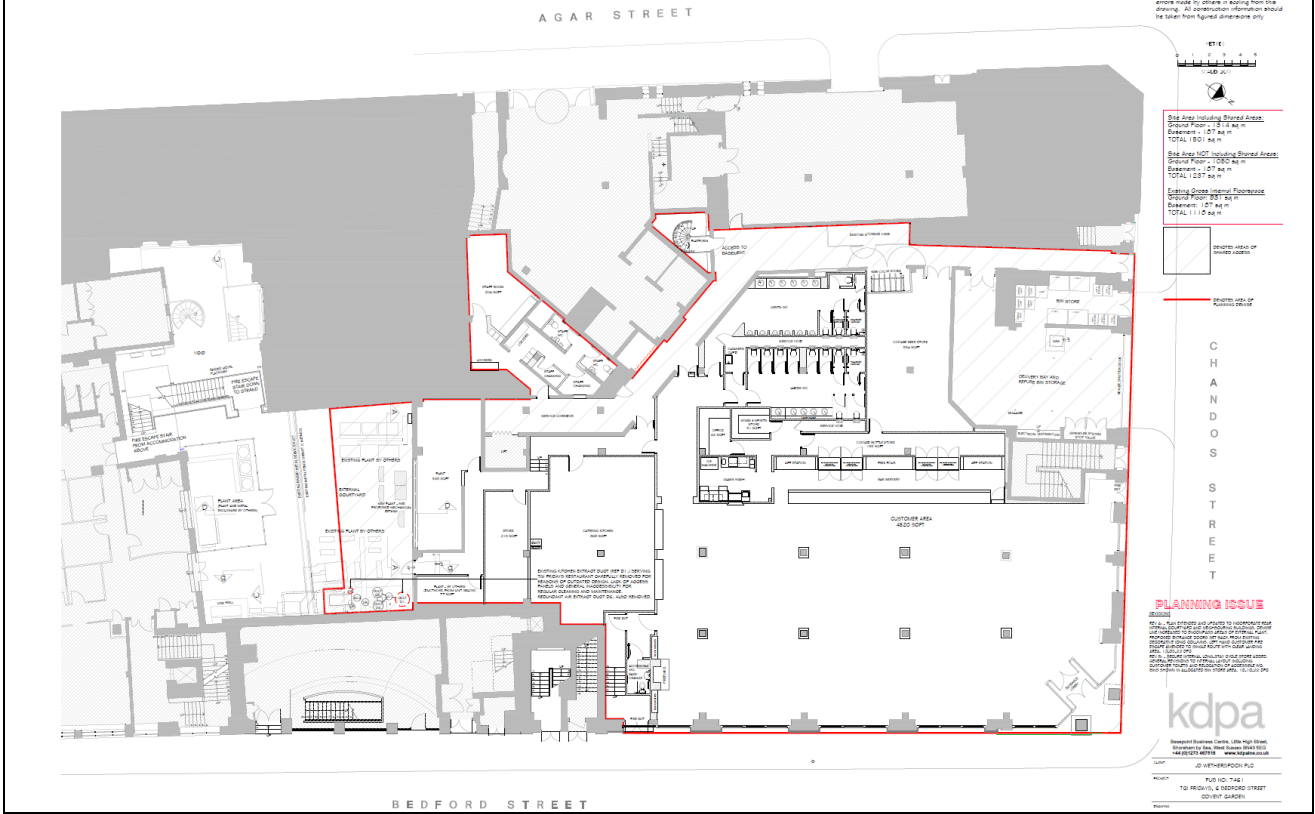
Existing (above) and Proposed (below) Basement Floor Plans

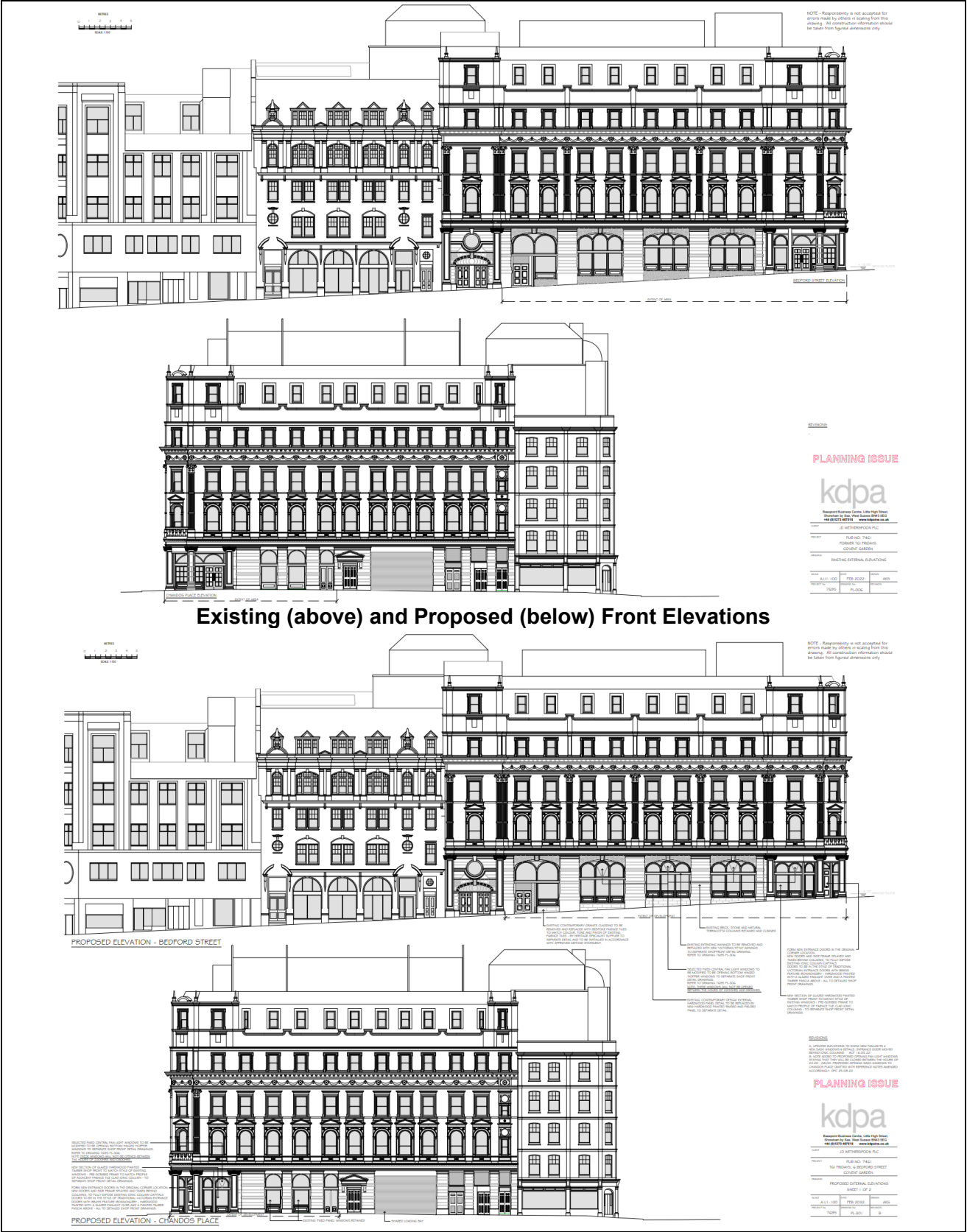


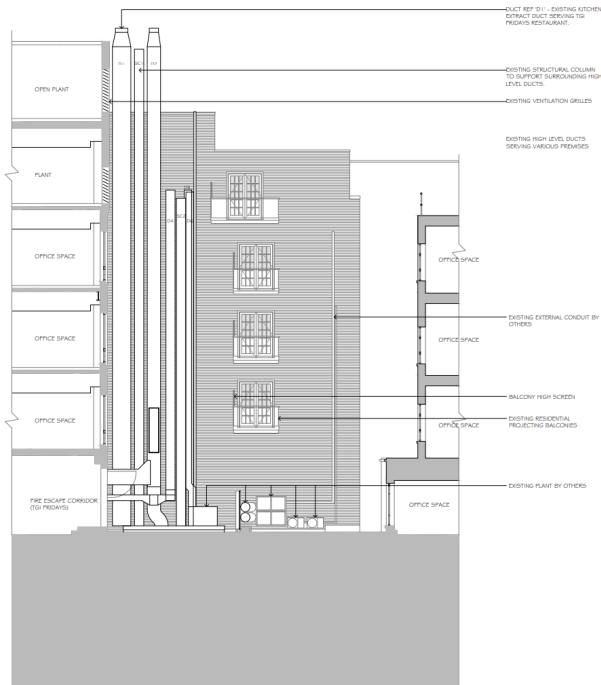
PROPOSED BASEMENT PLAN
scale 1:100



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





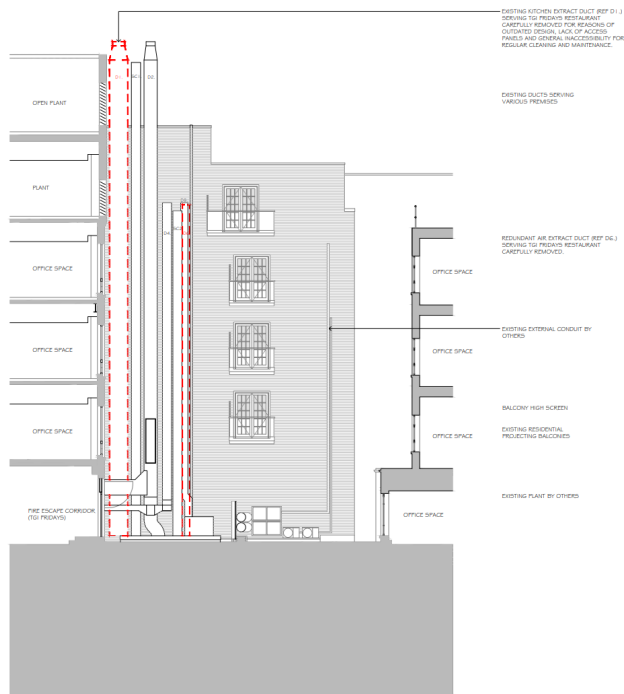


EXISTING REAR INTERNAL COURTYARD - ELEVATION B

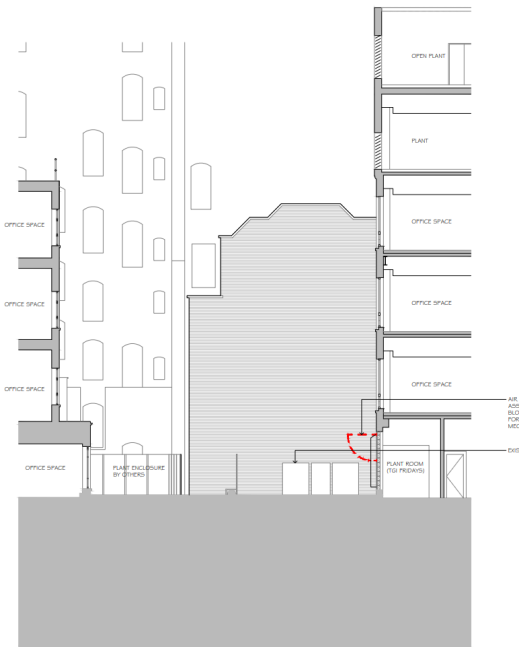


EXISTING REAR INTERNAL COURTYARD - ELEVATION D

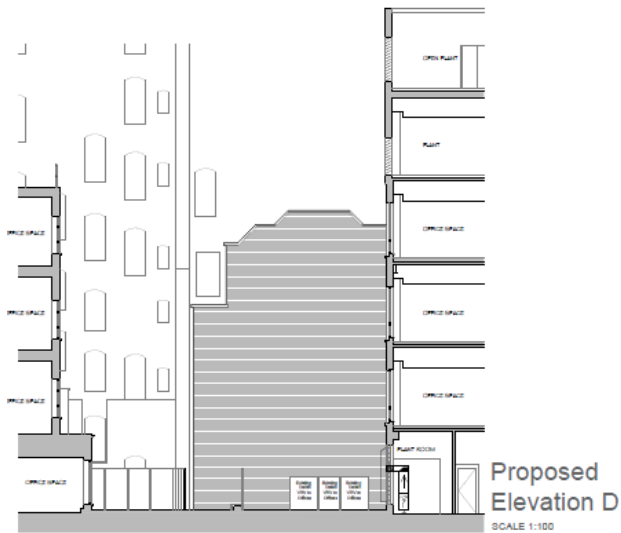
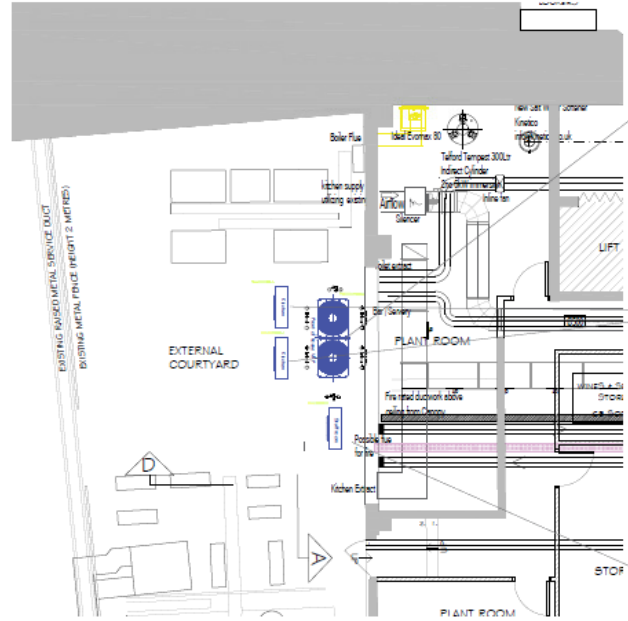
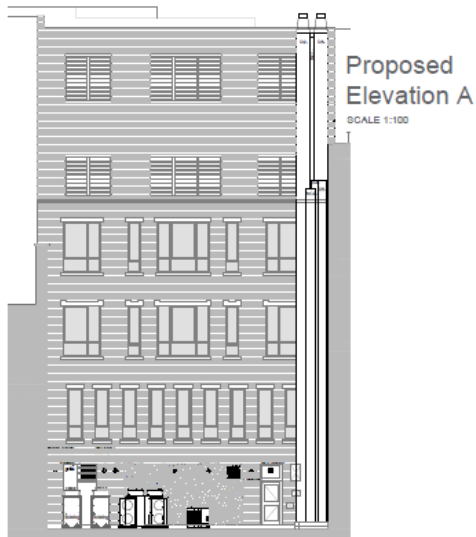
Existing (above) and Proposed showing removal in red (below) Courtyard Elevations



PROPOSED REAR INTERNAL COURTYARD - ELEVATION B



PROPOSED REAR INTERNAL COURTYARD - ELEVATION D



Proposed rear elevation and plan showing plant equipment

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 and internal alterations including new entrance doors and modifications to windows/shopfronts including installation of awnings; replacement ventilation system and installation of plant.**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 (04 Nov 2022); Specification & EMAQ Report (3 February 2022) Premises Management Plan (January 2023).

For Info:

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 You must carry out the measures included in your management plan dated January 2023 at all times that the public house is in use. (C05KA)

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 450 customers into the property at any one time, and you must maintain 216 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 public house 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 public house 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 You must apply to us for approval of details of how waste is to be stored on site and how materials for recycling will be stored separately. You must not occupy the public house use hereby approved until we have approved what you have sent us. You must then provide the waste and recycling storage prior to occupation of the development and thereafter permanently retain the stores according to these details. You must clearly mark

them and make them available at all times to everyone using the building. You must not use the waste and recycling store for any other purpose. (C14GB)

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)

- 20 You must make available substantial food to customers from the start of opening until one hour before closing.

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)

- 21 You must apply to us for approval of detailed drawings showing the following alteration to the scheme:

- Alteration to awnings to ensure a minimum vertical clearance of 2.3 metres at the building face and 2.14 elsewhere and a minimum horizontal clearance from the kerb edge.

You must not start on these parts of the work until we have approved in writing what you have sent us. You must then carry out the work according to the approved drawings. (C26UC)

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)

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 i. The best solution to prevent odour nuisance for any food operation is a scheme consisting of 'full height' discharge - see guidance at;

o <https://www.westminster.gov.uk/media/document/westminster-guidelines-for-kitchen-extract-ventilation-systems-mar-2021>

In this case the low discharging scheme submitted with the application (in the Specification & EMAQ Report from Purified Air, dated 3 February 20220) is considered to be acceptable as it complies with 'Best Practicable Means' standards for the food operation proposed. As food operations and intensity of use are always difficult to precisely define at the outset final acceptance of the scheme as being sufficient to prevent odour nuisance may therefore require further mitigation works to be carried out if nuisance is being caused post-installation. In addition if in the future the food operation changes significantly you must assess if the scheme is still adequate to prevent nuisance - see the guidance above.

ii. Any installed scheme should also contain the following elements:

o All cookline equipment must be placed under the extraction canopy

o 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

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

In relation to condition 13, you must ensure the kitchen extract ventilation scheme to prevent odour from the kitchen shall be to at least the standard described in the Specification & EMAQ Report from Purified Air, dated 3 February 2022.,

- 4 If the proposed awnings contain advertisements, you must get separate permission under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 if they are illuminated. If they are not illuminated they would benefit from deemed consent.
- 5 Westminster is an Air Quality Management Area (AQMA) under the Clean Air Acts and the Council's Action Plan requires controls that offer the best mitigation against poor air quality (eg particulates etc). Thus, premises intending to use solid fuels e.g. charcoal, wood etc must comply with AQMA requirements where only 'Authorised Fuels' and /or 'Exempt Appliances' can be employed. Further information can be found on the DEFRA website at the following link: <https://www.gov.uk/smoke-control-area-rules>
- 6 The public house we have approved is referred to as being 'sui generis'. This means that the use is not in any particular class. Any future plans to materially (significantly) change the use that we have approved will need planning permission.
- 7 You are reminded that the conditions attached to this permission require that you (or any other future operator) must operate the public house as set out in the management plan and in accordance with the other conditions to this permission. Any alteration in operations that do not adhere to the management plan/ conditions will need our permission.

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; installation of awnings and replacement ventilation system and plant, 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)

4 You must apply to us for approval of detailed drawings showing the following alteration to the scheme:

- Alteration to awnings to ensure a minimum vertical clearance of 2.3 metres at the building face and 2.14 elsewhere and a minimum horizontal clearance from the kerb edge.

You must not start on these parts of the work until we have approved in writing what you have sent us. You must then carry out the work according to the approved drawings. (C26UC)

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.

Agenda Item 3

Item No.

3,4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved St James's	
Subject of Report	29 Great Peter Street, London, SW1P 3LW		
Proposal	<p>Application 1: Installation of emergency smoke extract duct and emergency generator exhaust flue with attenuator within external sunken lightwell; and installation of two external airbricks at plinth level to Great Peter Street and associated works (part retrospective).</p> <p>Application 2: Installation of five condenser units and acoustic enclosure, acoustic canopy and acoustic sound absorbent panels within external sunken lightwell (part retrospective).</p>		
Agent	Gerald Eve		
On behalf of	Sapphire Alpha Ltd		
Registered Number	Application 1: 22/01194/FULL Application 2: 22/03260/FULL	Date amended/ completed	16 May 2022
Date Application Received	16 May 2022		
Historic Building Grade	Unlisted		
Conservation Area	Smith Square		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

Application 1: Grant conditional permission.

Application 2: Grant conditional Permission.

2. SUMMARY & KEY CONSIDERATIONS

29 Great Peter Street, also known as Gaywood House, is an unlisted building of merit within the Smith Square Conservation Area. In 2016 planning permission was granted for alterations and extensions to the building in connection with its use as 14 residential flats. This permission has been implemented and the works are nearing completion.

The approved scheme included mechanical equipment within a plantroom at basement level with natural ventilation provided via acoustic louvres into an external sunken lightwell to the rear of the building. The applicant has advised that as the full design and technical specification of the plant was developed it became apparent that more spacing between the air condenser units would be required to ensure that they can operate efficiently; and that the smoke extract outlet and flue exhaust for the emergency generator, which are needed for the operation of the emergency and life safety system for the building (originally to vent through the acoustic/air intake louvres into the sunken lightwell), were required to be positioned away from the louvres to avoid any contamination going back into the building. The current applications (1 and 2) therefore seek to provide a technically feasible solution to the mechanical heating and cooling, and health and safety requirements for the building.

Objections have been received from neighbouring residents in Tufton Street and Gayfere Street to both applications on the grounds of noise (applications 1 and 2) and air quality impact (application 1).

Application 1

An emergency smoke extract duct and an exhaust flue to serve the emergency generator (the generator itself sits within the consented basement plantroom) have been installed within the rear sunken lightwell, which this application seeks to retain. The emergency smoke extract duct is required in the event of a fire to remove smoke from the property to allow for safe evacuation. The exhaust flue serving the emergency generator is required in the event of an emergency for the life safety system power supply. In addition, two airbricks are proposed at low level to the ground floor elevation on Great Peter Street to provide ventilation to an existing gas meter.

Neighbouring residents' objections about noise and the potential emissions from the smoke extract duct and exhaust flue are understandable. The applicant has submitted an acoustic report and air quality assessment, which have been revised during the course of the application. Mitigation measures are proposed with the installation of acoustic attenuators to the emergency generator and exhaust flue. The applicant states that it is their intention to run the generator on hydrotreated vegetable oil, instead of diesel fuel, as originally intended.

The smoke extract and generator exhaust flue will only be in operation during an emergency (i.e. a fire) and for maintenance testing, which the applicant states will occur twice a year and will be limited to 15 minutes per visit. They state that advance (10 working days) notification will be provided to the immediate neighbours on any scheduled maintenance visit. It is recommended that these measures are secured by condition. On the basis that the equipment is for emergency use only and with the attenuation measures proposed the Councils Environmental Health officer raises no objection on noise or air quality grounds.

The equipment is located within the confines of the sunken lightwell and will not be visible from the street, and will be visually discreet from neighbouring residential windows. The two air bricks to Great Peter Street measure 215mm x 215mm and will be painted to match the adjacent render so not to be readily visible. The proposals will not therefore have an adverse visual impact on the surrounding townscape or on the character and appearance of the Conservation Area, and are in

accordance with policies 38 and 39 of the City Plan.

Application 2

Due to space and airflow requirements it has not been possible to position all of the required air condenser units within the consented basement plantroom. As such five condenser units have been housed within a stand-alone acoustic enclosure/cabinet (approximately 3.5m x 1.3m x 3.2m high) within the external sunken lightwell, adjacent to the plant room, which this application seeks to retain.

Planning permission was previously refused in March 2021 for five air condenser units within the lightwell on the grounds that it had not been demonstrated that they would be designed and operated without causing harm to the amenity of neighbouring residential occupiers as a result of noise and vibration.

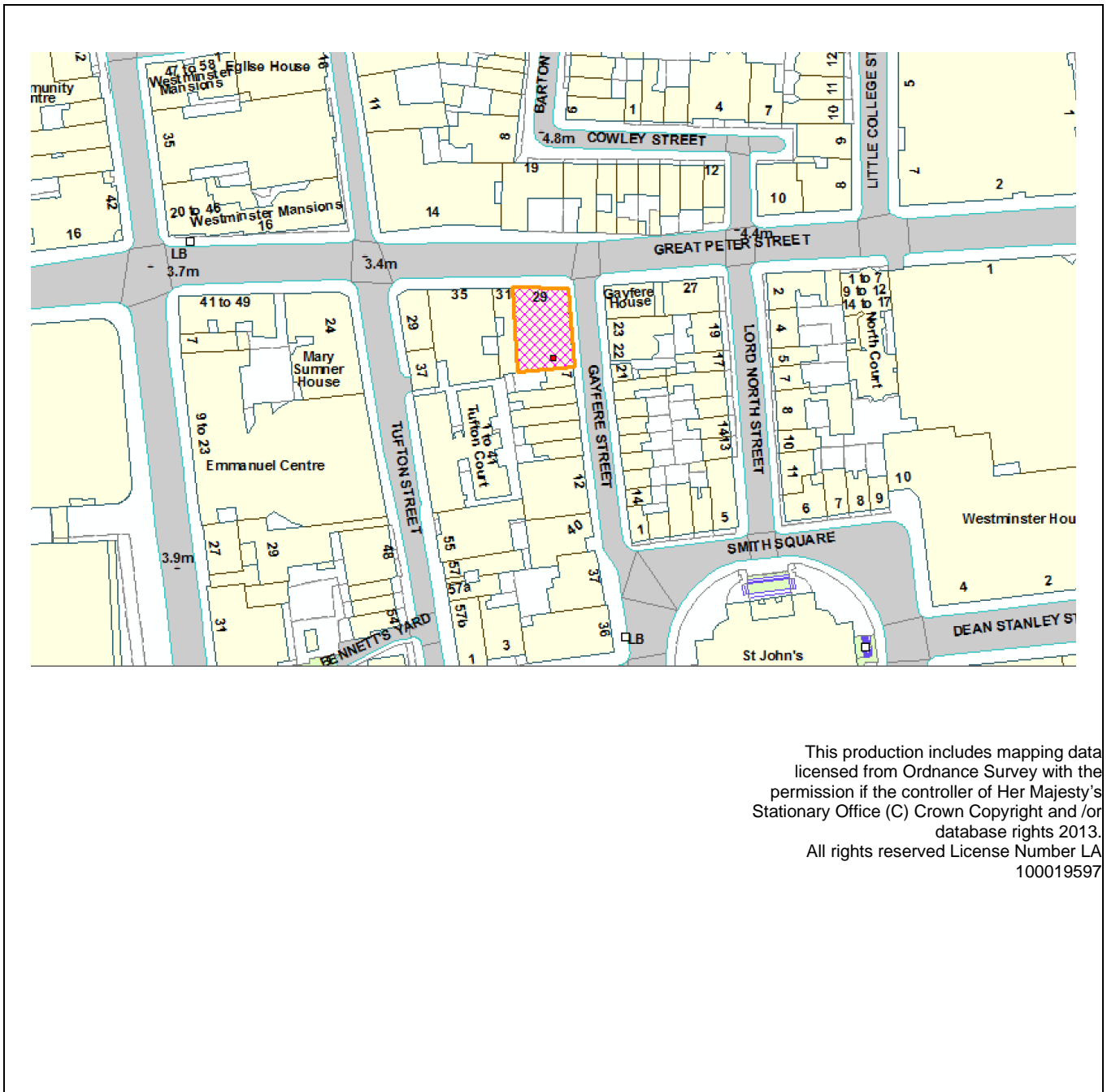
The applicant has submitted an updated acoustic report in support of their application. The units are located within an acoustic enclosure set away from the party wall to prevent vibration at the base of the sunken lightwell. In addition, a range of other mitigation measures are now proposed including noise attenuation measures to the plant itself, and the provision of an acoustic canopy above the plant enclosure and acoustic sound absorbent panels to line the walls of the lightwell.

The Council's Environmental Health officer is satisfied that with the additional mitigation measures proposed the units will comply with the Council's standard noise and vibration conditions and they will not therefore cause harm to the amenity of neighbouring residents. A condition is recommended that the mitigation measures are implemented within 3 months from the date of the decision.

The acoustic enclosure and canopy are to be powder coated grey. Their location within the sunken lightwell will not be visible from the street or readily visible from neighbouring residential windows. As such the proposals are considered acceptable in design and conservation terms, in accordance with policies 38 and 39 of the City Plan.

Applications 1 and 2 accord with the relevant policies in the City Plan 2019-2040 and are considered acceptable in design, conservation and amenity terms. The applications are recommended for approval, subject to the conditions set out in the draft decision letters.

3. LOCATION PLAN



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4. PHOTOGRAPHS





External sunken lightwell to rear

5. CONSULTATIONS

5.1 Application Consultations

APPLICATION 1:

WESTMINSTER SOCIETY

No response received to date.

THORNEY ISLAND SOCIETY

Understand the neighbours' frustration that this less-than-optimal generator solution has already been installed in a space that is so near neighbouring properties. It is hoped that the generator will not be required to be used often.

ENVIRONMENTAL HEALTH

Based on the plant installed and the restricted use (emergency plant use only) no objection on noise or air quality grounds.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 16

No. of replies: 7 (from 6 individuals)

7 Letters of objection have been received from neighbouring residents in Tufton Court, Tufton Street (5) and Gayfere Street (1) on the following grounds:

Amenity

- Air quality impact. The scheme uses a large diesel or diesel substitute (hydrotreated vegetable Oil) powered generator with exhaust discharging into a confined courtyard area, surrounded by residential properties. There is potential for exhaust fumes to "build up" within this enclosed area, particularly in high pressure weather conditions.
- Short term elevations in nitrous oxide and noxious emissions may cause acute symptoms to neighbouring residents (e.g. asthma attacks from which certain neighbours are long-suffering). These elevated conditions will persist when the generator is in use.
- Noise impact on residents when the emergency generator is in use. It is wrong to expect neighbours to close their windows or install double glazing.
- Odours from fumes.
- The applicant should give proper consideration to the use of a battery back-up power source which would remove the concern about air quality.
- If the generator is permitted to remain in use its exhaust pipe should extend to roof level and treated to satisfy visual requirements of the conservation area

Other

- The application is retrospective, proper consideration should have been given to this issue at design stage.

- Suggestions made to the architect to improve the scheme for the most part have been ignored.
- It is suspected that the generator that has been installed is to meet the whole building energy requirement in the event of a power outage. This would change the emissions profile, and the generator may be run for longer periods than suggested.

PRESS NOTICE/ SITE NOTICE:

Yes

APPLICATION 2

WESTMINSTER SOCIETY

No response received to date.

ENVIRONMENTAL HEALTH

No objection subject to conditions to ensure compliance with the Council's standard noise condition in respect of neighbouring residential properties.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 16

No. of replies: 6

6 Letters of objection have been received from neighbouring residents in Tufton Court, Tufton Street (5) and Gayfere Street (1) on the following grounds:

Amenity

- Potential noise nuisance from 5 air condenser units, particularly at night, in such a small and noise reverberating lightwell space which is in very close proximity to residential windows.
- The report does not sufficiently demonstrate that there will not be the risk of noise nuisance exposure for the neighbouring properties, even with the installation of all the mitigation measures.
- The original application granted in 2015 (15/07819/FULL) was based on the basement plant being installed in a dedicated plant room at basement level, with substantial masonry surrounds and acoustic louvres. The basement should be rearranged to accommodate all of the required plant and equipment even if it means utilising ancillary storage and bike store areas, or at roof level, rather than encroaching into the lightwell and exposing neighbours to unwelcome noise levels.
- The neighbouring properties on Tufton Street, Great Peter Street and Gayfere Street are older and/or Grade II listed properties and therefore owners are unable to and/or prohibited by regulations from implementing mitigation measures against noise emissions such as facade insulation, double-glazed windows or mechanical ventilation. The only way for residents to ventilate these building is to open their windows.

Other

- The 5 condensers units were installed in the lightwell without planning permission.

PRESS NOTICE/ SITE NOTICE:

Yes

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

Not applicable.

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

29 Great Peter Street, also known as Gaywood House, is located at the junction with Gayfere Street. It is an unlisted building of merit and falls within the Smith Square Conservation Area. It comprises basement, ground and six upper floors and is currently undergoing alterations and extensions in connection with its conversion to 14 residential flats, by virtue of planning permission granted in April 2016. It lies within the Central Activities Zone.

7.2 Recent Relevant History

15/07818/FULL

Removal of existing roof and construction of new roof extension incorporating roof level plant; construction of extensions at lower ground to fifth floor level within rear lightwell;

associated alterations to front and rear facade in association with the use of the building as 14 residential flats (Class C3).

Application permitted 01 April 2016

16/05098/NMA

Amendments to planning permission dated 01 April 2016 [RN: 15/07819/FULL] for the removal of existing roof and construction of new roof extension incorporating roof level plant; construction of extensions at lower ground to fifth floor level within rear lightwell; associated alterations to front and rear facade in association with the use of the building as 14 residential flats (Class C3); namely, to allow amendments to the layouts of the proposed ground to sixth floor plans.

Application permitted 10 June 2016

18/07346/FULL

Installation of grilles on the external facade on the west and south elevations.

Application Permitted 26 October 2018

18/09798/NMA

Amendments to planning permission dated 01 April 2016 (RN 15/07819/FULL) as amended by Non Material Amendments refs 16/05098/NMA, 17/11078/NMA and 18/04322/NMA) for the removal of existing roof and construction of new roof extension incorporating roof level plant; construction of extensions at lower ground to fifth floor level within rear lightwell; associated alterations to front and rear facade in association with the use of the building as 14 residential flats (Class C3), namely the insertion of an automatic smoke extract window instead of casement window at 6th floor level to match adjacent windows in mansard roof.

Application permitted 9 January 2019

19/00391/FULL

Installation of plant equipment, extract vents, access hatch and platform at roof level.

Application Permitted 15 March 2019

19/04968/NMA

Amendments to planning permission dated 01 April 2016 (RN 15/07819/FULL) for the Removal of existing roof and construction of new roof extension incorporating roof level plant, construction of extensions at lower ground to fifth floor level within rear lightwell, associated alterations to front and rear facade in association with the use of the building as 14 residential flats (Class C3). Namely, the insertion of a larger window instead of casement window at 6th floor level in the west elevation to match all adjacent windows in mansard roof.

Application Permitted 5 July 2019

19/07238/NMA

Amendments to planning permission dated 15 March 2019 (RN: 19/00391) for installation of plant equipment, extract vents, access hatch and platform at roof level namely, alteration to the handrail on the metal man-safe platform from a collapsible fixing handrail to a fixed handrail.

Application Refused 26 September 2019 - the works were not considered sufficiently minor to constitute a non-material amendment.

19/08515/FULL

Variation of condition 1 of planning permission dated 15 March 2019 (RN: 19/00391/FULL) for the: Installation of plant equipment, extract vents, access hatch and platform at roof level. Namely, to allow amendments to handrail at roof level.
Application Permitted 6 January 2020

19/09214/FULL

Installation of a fall-restraint safety line system at mansard roof level.
Application Permitted 7 February 2020

20/00475/FULL

Installation of two external lights and one CCTV camera to Gayfere Street entrance.
Application Permitted 2 March 2020

20/08223/FULL

Installation of five condenser units and acoustic enclosure within external sunken lightwell and the installation of two external airbricks for gas ventilation at plinth level on the front elevation.
Application Refused 18 March 2021

The application was refused on the following grounds:

It has not been demonstrated that the proposed condenser units will be designed and operated without causing harm to the amenity of neighbouring residential occupiers as a result of noise and vibration. The information contained within the submitted acoustic report by Bickerdike Allen Partners reference A11350_01__MO001_1.0 dated 1 March 2021 does not demonstrate that your proposal would meet S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

(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: JULIA ASGHAR BY EMAIL AT jasghar@westminster.gov.uk

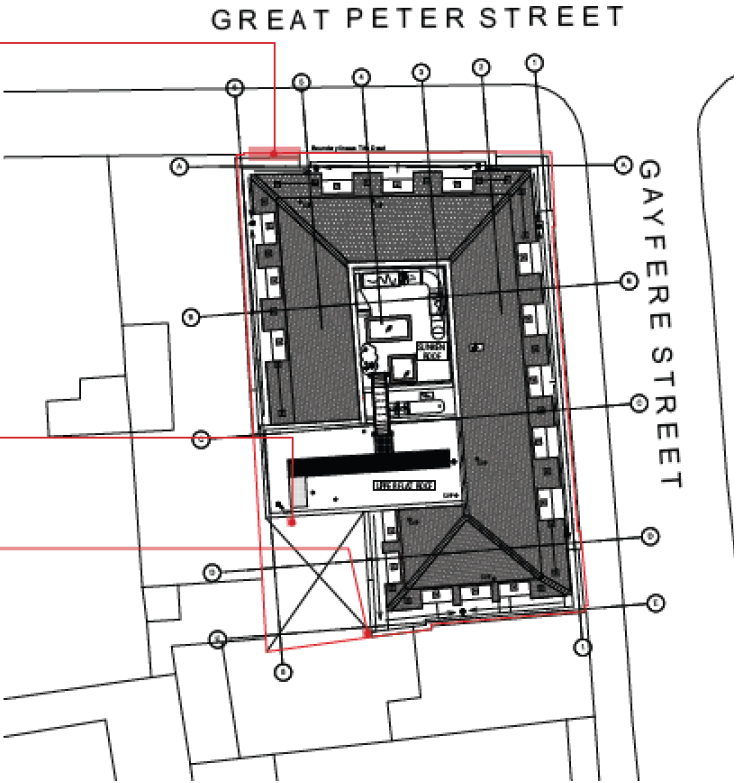
8. KEY DRAWINGS

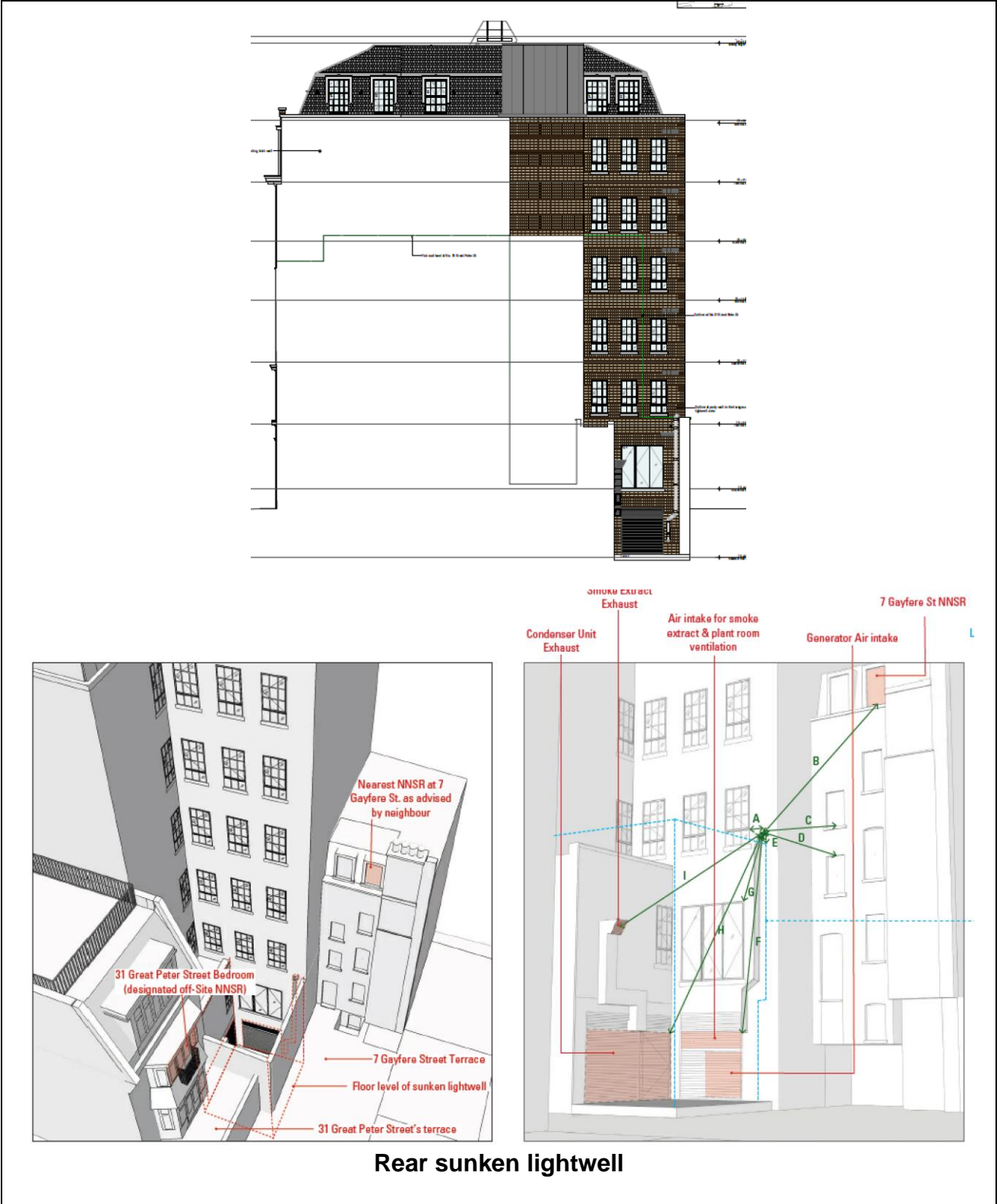
Application 1

3. Proposed 2 no. airbricks at street level, close to pavement.

2. Proposed smoke extract duct location

1. Proposed generator exhaust flue pipe location



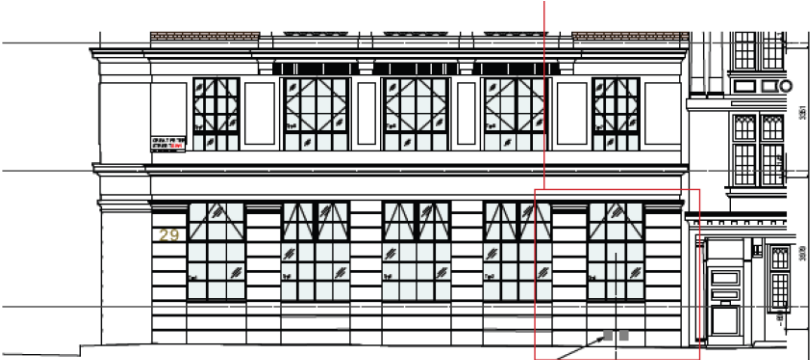




Generator exhaust flue



Smoke extract duct



Air bricks to Great Peter Street

Application 2

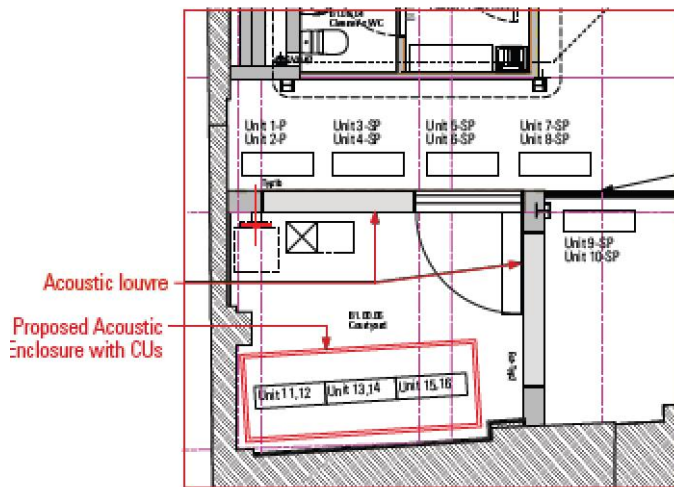
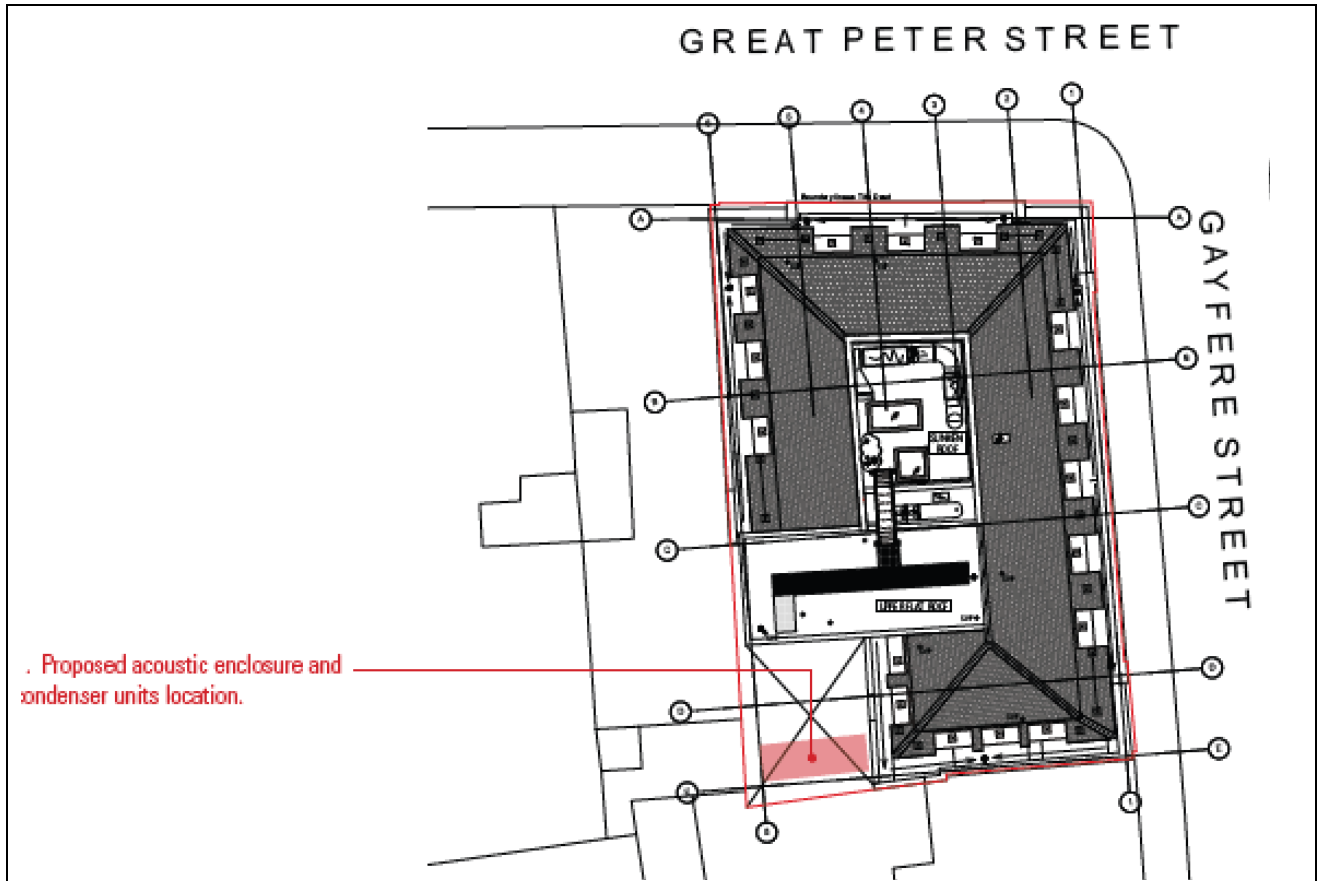
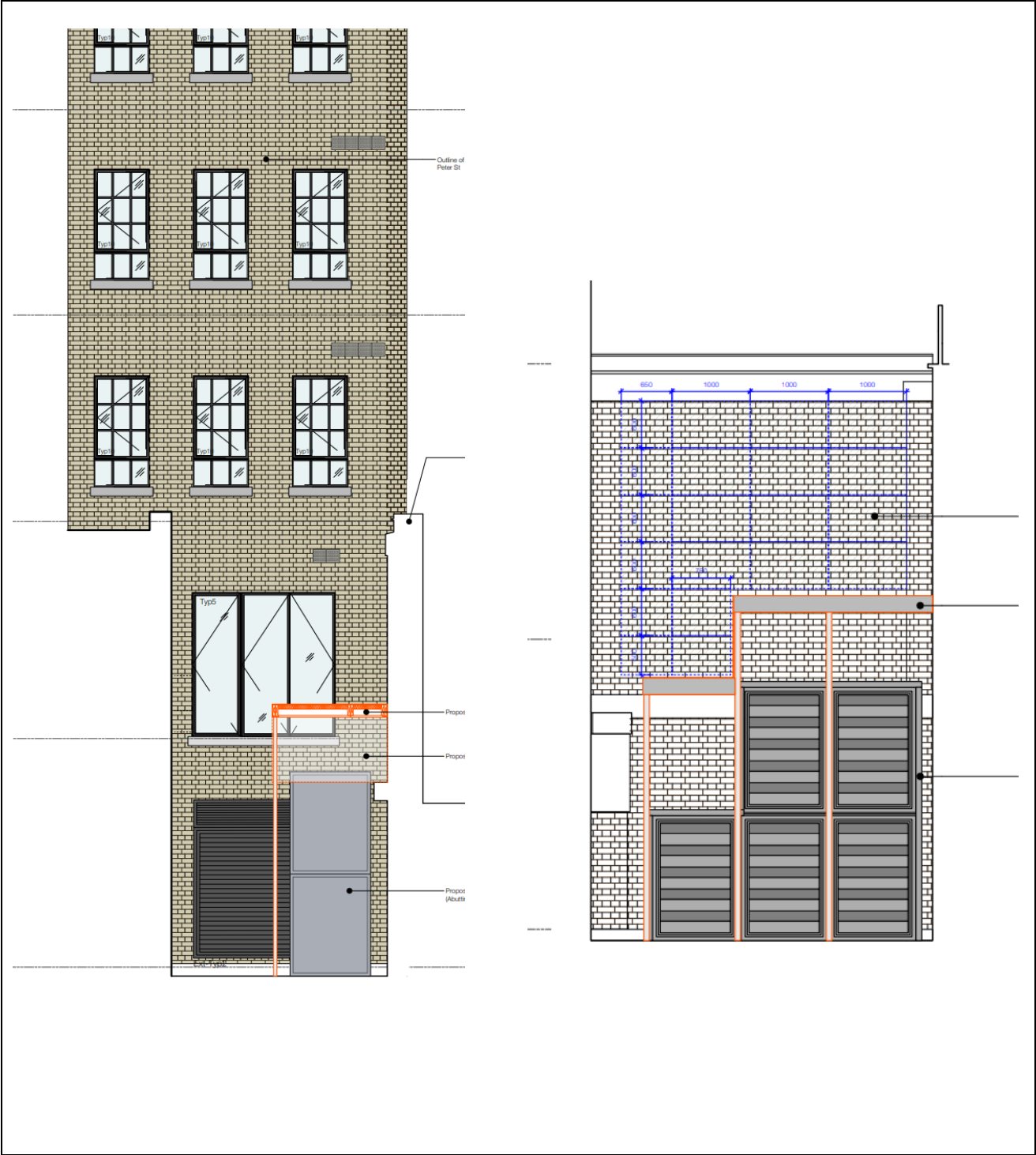


Fig. 13 - Proposed plan with location of independent acoustic enclosure



Fig. 14 - View from ground floor unit of installed CU enclosure



DRAFT DECISION LETTER

Address: 29 Great Peter Street, London, SW1P 3LW

Proposal: Installation of emergency smoke extract duct and emergency generator exhaust flue with attenuator within external sunken lightwell; and installation of two external airbricks at plinth level to Great Peter Street and associated works (part retrospective).

Reference: 22/01194/FULL

Plan Nos: Site location plan; 831-GAB1-P1; 831-GE01-P11; 831-GE03-P5; 831-GE04-P9; 831-GAB1-P2; 831-GE01-P13; 831-GE03-P6 and 831-GE04-P11. Emergency Plant Acoustic Report from Bickerdike Allen Ref:A11350_00_RP005_3.0 dated 21 April 2022 and Air Quality Assessment from Aether Ref: AQ Assessment /2022/Great Peter Street version 4 dated 14 April 2022., , For information: Design and Access Statement dated February 2022 .

Case Officer: Seana McCaffrey **Direct Tel. No.** 020 7641
07866037773

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

Reason:

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

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

- 4 The emergency plant and generators hereby approved shall only be used for the purpose of public safety and life critical systems and shall not be used for backup equipment for commercial uses such as Short Term Operating Reserve (STOR). The emergency plant and generators shall be operated at all times in accordance with the following criteria: , (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the LA90, 15 mins over the testing period) by more than 10 dB one metre outside any premises., , (2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required in an emergency situation., , (3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour every 6 months, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays. Neighbouring residents (7 Gayfere Street, 31 Great Peter Street and tenant representative of Tufton Court) shall be given advance notification of 10 working days of any scheduled maintenance visit.

Reason:

Emergency energy generation plant is generally noisy, so in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby. (R50AC)

- 5 You must install the acoustic attenuation measures shown on the approved drawings and as set out in Section 4.6 of the Emergency Plant Acoustic Report from Bickerdike Allen Ref:A11350_00_RP005_3.0 dated 21 April 2022 within 3 months from the date of this decision. You must then maintain the attenuation measures in the form shown and as specified for as long as the machinery remains in place.

Reason:

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

- 6 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies

unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

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

- 7 You must finish the ductwork in grey and the air bricks in a colour to match the material next to it. You must then keep it that colour thereafter. (C26FA)

Reason:

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

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 contact Environmental Sciences by email to environmentalsciences2@westminster.gov.uk if you have any queries about your obligations under the Control of Pollution Act 1974 or the Environmental Protection Act 1990.

DRAFT DECISION LETTER

Address: 29 Great Peter Street, London, SW1P 3LW

Proposal: Installation of five condenser units and acoustic enclosure, acoustic canopy and acoustic sound absorbent panels within external sunken lightwell (part retrospective).

Reference: 22/03260/FULL

Plan Nos: Site location plan; 831-GAB1-R2; 831-GE04-P13; 831-GE11-P2; 831-GE12-P2; 831-GE13-P2; 831-GE14-P2. Plant Assessment Acoustic Report by Bickerdike Allen Partners Ref:A11350_00_RP004_3.0 dated 06 May 2022; and E-mail from David Williams with response from Bickerdike Allen Partners dated 22 June 2022., , For Information only: Design and Access Statement dated April 2022.

Case Officer: Seana McCaffrey

Direct Tel. No. 020 7641
07866037773

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

Reason:

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

- 3 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and

machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 5 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant including a proposed fixed noise level for written approval by the City Council. Your submission of a noise report must include: (a) A schedule of all plant and equipment that formed part of this application; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment; (c) Manufacturer specifications of sound emissions in octave or third octave detail; (d) The location of most affected noise sensitive receptor location and the most affected window of it; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (g) The lowest existing LA90 (15 minutes) measurement recorded under (f) above; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; (i) The proposed maximum noise level to be emitted by the plant and equipment. (C46BC)

Reason:

As set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the 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 ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46BC)

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

defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects 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)

- 5 You must install the acoustic attenuation measures shown on the approved drawings and as set out in Section 6 of the Acoustic Report by Bickerdike Allen Partners Ref:A11350_00_RP004_3.0 dated 06 May 2022 within 3 months from the date of this decision. You must then maintain the attenuation measures in the form shown and as specified for as long as the machinery remains in place.

Reason:

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

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

Reason:

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

- 7 You must finish the acoustic enclosure and acoustic canopy in grey and the absorbent panels in a colour to match the material next to it. You must then keep it that colour thereafter. (C26FA)

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 contact Environmental Sciences by email to environmentalsciences2@westminster.gov.uk if you have any queries about your obligations under the Control of Pollution Act 1974 or the Environmental Protection Act 1990.

Agenda Item 4

Item No.

3,4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved St James's	
Subject of Report	29 Great Peter Street, London, SW1P 3LW		
Proposal	<p>Application 1: Installation of emergency smoke extract duct and emergency generator exhaust flue with attenuator within external sunken lightwell; and installation of two external airbricks at plinth level to Great Peter Street and associated works (part retrospective).</p> <p>Application 2: Installation of five condenser units and acoustic enclosure, acoustic canopy and acoustic sound absorbent panels within external sunken lightwell (part retrospective).</p>		
Agent	Gerald Eve		
On behalf of	Sapphire Alpha Ltd		
Registered Number	Application 1: 22/01194/FULL Application 2: 22/03260/FULL	Date amended/ completed	16 May 2022
Date Application Received	16 May 2022		
Historic Building Grade	Unlisted		
Conservation Area	Smith Square		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

Application 1: Grant conditional permission.

Application 2: Grant conditional Permission.

2. SUMMARY & KEY CONSIDERATIONS

29 Great Peter Street, also known as Gaywood House, is an unlisted building of merit within the Smith Square Conservation Area. In 2016 planning permission was granted for alterations and extensions to the building in connection with its use as 14 residential flats. This permission has been implemented and the works are nearing completion.

The approved scheme included mechanical equipment within a plantroom at basement level with natural ventilation provided via acoustic louvres into an external sunken lightwell to the rear of the building. The applicant has advised that as the full design and technical specification of the plant was developed it became apparent that more spacing between the air condenser units would be required to ensure that they can operate efficiently; and that the smoke extract outlet and flue exhaust for the emergency generator, which are needed for the operation of the emergency and life safety system for the building (originally to vent through the acoustic/air intake louvres into the sunken lightwell), were required to be positioned away from the louvres to avoid any contamination going back into the building. The current applications (1 and 2) therefore seek to provide a technically feasible solution to the mechanical heating and cooling, and health and safety requirements for the building.

Objections have been received from neighbouring residents in Tufton Street and Gayfere Street to both applications on the grounds of noise (applications 1 and 2) and air quality impact (application 1).

Application 1

An emergency smoke extract duct and an exhaust flue to serve the emergency generator (the generator itself sits within the consented basement plantroom) have been installed within the rear sunken lightwell, which this application seeks to retain. The emergency smoke extract duct is required in the event of a fire to remove smoke from the property to allow for safe evacuation. The exhaust flue serving the emergency generator is required in the event of an emergency for the life safety system power supply. In addition, two airbricks are proposed at low level to the ground floor elevation on Great Peter Street to provide ventilation to an existing gas meter.

Neighbouring residents' objections about noise and the potential emissions from the smoke extract duct and exhaust flue are understandable. The applicant has submitted an acoustic report and air quality assessment, which have been revised during the course of the application. Mitigation measures are proposed with the installation of acoustic attenuators to the emergency generator and exhaust flue. The applicant states that it is their intention to run the generator on hydrotreated vegetable oil, instead of diesel fuel, as originally intended.

The smoke extract and generator exhaust flue will only be in operation during an emergency (i.e. a fire) and for maintenance testing, which the applicant states will occur twice a year and will be limited to 15 minutes per visit. They state that advance (10 working days) notification will be provided to the immediate neighbours on any scheduled maintenance visit. It is recommended that these measures are secured by condition. On the basis that the equipment is for emergency use only and with the attenuation measures proposed the Councils Environmental Health officer raises no objection on noise or air quality grounds.

The equipment is located within the confines of the sunken lightwell and will not be visible from the street, and will be visually discreet from neighbouring residential windows. The two air bricks to Great Peter Street measure 215mm x 215mm and will be painted to match the adjacent render so not to be readily visible. The proposals will not therefore have an adverse visual impact on the surrounding townscape or on the character and appearance of the Conservation Area, and are in

accordance with policies 38 and 39 of the City Plan.

Application 2

Due to space and airflow requirements it has not been possible to position all of the required air condenser units within the consented basement plantroom. As such five condenser units have been housed within a stand-alone acoustic enclosure/cabinet (approximately 3.5m x 1.3m x 3.2m high) within the external sunken lightwell, adjacent to the plant room, which this application seeks to retain.

Planning permission was previously refused in March 2021 for five air condenser units within the lightwell on the grounds that it had not been demonstrated that they would be designed and operated without causing harm to the amenity of neighbouring residential occupiers as a result of noise and vibration.

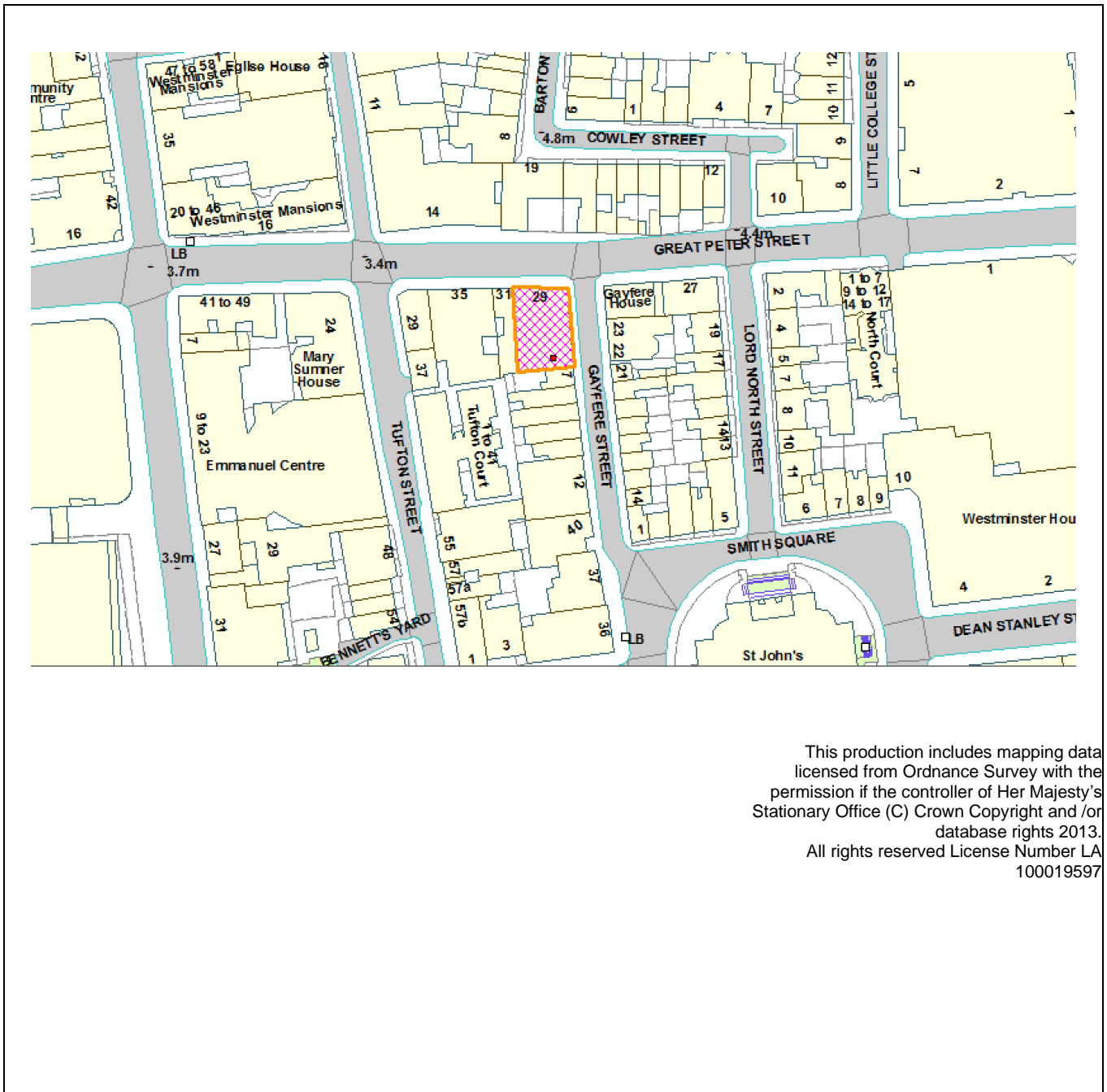
The applicant has submitted an updated acoustic report in support of their application. The units are located within an acoustic enclosure set away from the party wall to prevent vibration at the base of the sunken lightwell. In addition, a range of other mitigation measures are now proposed including noise attenuation measures to the plant itself, and the provision of an acoustic canopy above the plant enclosure and acoustic sound absorbent panels to line the walls of the lightwell.

The Council's Environmental Health officer is satisfied that with the additional mitigation measures proposed the units will comply with the Council's standard noise and vibration conditions and they will not therefore cause harm to the amenity of neighbouring residents. A condition is recommended that the mitigation measures are implemented within 3 months from the date of the decision.

The acoustic enclosure and canopy are to be powder coated grey. Their location within the sunken lightwell will not be visible from the street or readily visible from neighbouring residential windows. As such the proposals are considered acceptable in design and conservation terms, in accordance with policies 38 and 39 of the City Plan.

Applications 1 and 2 accord with the relevant policies in the City Plan 2019-2040 and are considered acceptable in design, conservation and amenity terms. The applications are recommended for approval, subject to the conditions set out in the draft decision letters.

3. LOCATION PLAN



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4. PHOTOGRAPHS





External sunken lightwell to rear

5. CONSULTATIONS

5.1 Application Consultations

APPLICATION 1:

WESTMINSTER SOCIETY

No response received to date.

THORNEY ISLAND SOCIETY

Understand the neighbours' frustration that this less-than-optimal generator solution has already been installed in a space that is so near neighbouring properties. It is hoped that the generator will not be required to be used often.

ENVIRONMENTAL HEALTH

Based on the plant installed and the restricted use (emergency plant use only) no objection on noise or air quality grounds.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 16

No. of replies: 7 (from 6 individuals)

7 Letters of objection have been received from neighbouring residents in Tufton Court, Tufton Street (5) and Gayfere Street (1) on the following grounds:

Amenity

- Air quality impact. The scheme uses a large diesel or diesel substitute (hydrotreated vegetable Oil) powered generator with exhaust discharging into a confined courtyard area, surrounded by residential properties. There is potential for exhaust fumes to "build up" within this enclosed area, particularly in high pressure weather conditions.
- Short term elevations in nitrous oxide and noxious emissions may cause acute symptoms to neighbouring residents (e.g. asthma attacks from which certain neighbours are long-suffering). These elevated conditions will persist when the generator is in use.
- Noise impact on residents when the emergency generator is in use. It is wrong to expect neighbours to close their windows or install double glazing.
- Odours from fumes.
- The applicant should give proper consideration to the use of a battery back-up power source which would remove the concern about air quality.
- If the generator is permitted to remain in use its exhaust pipe should extend to roof level and treated to satisfy visual requirements of the conservation area

Other

- The application is retrospective, proper consideration should have been given to this issue at design stage.

- Suggestions made to the architect to improve the scheme for the most part have been ignored.
- It is suspected that the generator that has been installed is to meet the whole building energy requirement in the event of a power outage. This would change the emissions profile, and the generator may be run for longer periods than suggested.

PRESS NOTICE/ SITE NOTICE:

Yes

APPLICATION 2

WESTMINSTER SOCIETY

No response received to date.

ENVIRONMENTAL HEALTH

No objection subject to conditions to ensure compliance with the Council's standard noise condition in respect of neighbouring residential properties.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 16

No. of replies: 6

6 Letters of objection have been received from neighbouring residents in Tufton Court, Tufton Street (5) and Gayfere Street (1) on the following grounds:

Amenity

- Potential noise nuisance from 5 air condenser units, particularly at night, in such a small and noise reverberating lightwell space which is in very close proximity to residential windows.
- The report does not sufficiently demonstrate that there will not be the risk of noise nuisance exposure for the neighbouring properties, even with the installation of all the mitigation measures.
- The original application granted in 2015 (15/07819/FULL) was based on the basement plant being installed in a dedicated plant room at basement level, with substantial masonry surrounds and acoustic louvres. The basement should be rearranged to accommodate all of the required plant and equipment even if it means utilising ancillary storage and bike store areas, or at roof level, rather than encroaching into the lightwell and exposing neighbours to unwelcome noise levels.
- The neighbouring properties on Tufton Street, Great Peter Street and Gayfere Street are older and/or Grade II listed properties and therefore owners are unable to and/or prohibited by regulations from implementing mitigation measures against noise emissions such as facade insulation, double-glazed windows or mechanical ventilation. The only way for residents to ventilate these building is to open their windows.

Other

- The 5 condensers units were installed in the lightwell without planning permission.

PRESS NOTICE/ SITE NOTICE:

Yes

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

Not applicable.

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

29 Great Peter Street, also known as Gaywood House, is located at the junction with Gayfere Street. It is an unlisted building of merit and falls within the Smith Square Conservation Area. It comprises basement, ground and six upper floors and is currently undergoing alterations and extensions in connection with its conversion to 14 residential flats, by virtue of planning permission granted in April 2016. It lies within the Central Activities Zone.

7.2 Recent Relevant History

15/07818/FULL

Removal of existing roof and construction of new roof extension incorporating roof level plant; construction of extensions at lower ground to fifth floor level within rear lightwell;

associated alterations to front and rear facade in association with the use of the building as 14 residential flats (Class C3).

Application permitted 01 April 2016

16/05098/NMA

Amendments to planning permission dated 01 April 2016 [RN: 15/07819/FULL] for the removal of existing roof and construction of new roof extension incorporating roof level plant; construction of extensions at lower ground to fifth floor level within rear lightwell; associated alterations to front and rear facade in association with the use of the building as 14 residential flats (Class C3); namely, to allow amendments to the layouts of the proposed ground to sixth floor plans.

Application permitted 10 June 2016

18/07346/FULL

Installation of grilles on the external facade on the west and south elevations.

Application Permitted 26 October 2018

18/09798/NMA

Amendments to planning permission dated 01 April 2016 (RN 15/07819/FULL) as amended by Non Material Amendments refs 16/05098/NMA, 17/11078/NMA and 18/04322/NMA) for the removal of existing roof and construction of new roof extension incorporating roof level plant; construction of extensions at lower ground to fifth floor level within rear lightwell; associated alterations to front and rear facade in association with the use of the building as 14 residential flats (Class C3), namely the insertion of an automatic smoke extract window instead of casement window at 6th floor level to match adjacent windows in mansard roof.

Application permitted 9 January 2019

19/00391/FULL

Installation of plant equipment, extract vents, access hatch and platform at roof level.

Application Permitted 15 March 2019

19/04968/NMA

Amendments to planning permission dated 01 April 2016 (RN 15/07819/FULL) for the Removal of existing roof and construction of new roof extension incorporating roof level plant, construction of extensions at lower ground to fifth floor level within rear lightwell, associated alterations to front and rear facade in association with the use of the building as 14 residential flats (Class C3). Namely, the insertion of a larger window instead of casement window at 6th floor level in the west elevation to match all adjacent windows in mansard roof.

Application Permitted 5 July 2019

19/07238/NMA

Amendments to planning permission dated 15 March 2019 (RN: 19/00391) for installation of plant equipment, extract vents, access hatch and platform at roof level namely, alteration to the handrail on the metal man-safe platform from a collapsible fixing handrail to a fixed handrail.

Application Refused 26 September 2019 - the works were not considered sufficiently minor to constitute a non-material amendment.

19/08515/FULL

Variation of condition 1 of planning permission dated 15 March 2019 (RN: 19/00391/FULL) for the: Installation of plant equipment, extract vents, access hatch and platform at roof level. Namely, to allow amendments to handrail at roof level.
Application Permitted 6 January 2020

19/09214/FULL

Installation of a fall-restraint safety line system at mansard roof level.
Application Permitted 7 February 2020

20/00475/FULL

Installation of two external lights and one CCTV camera to Gayfere Street entrance.
Application Permitted 2 March 2020

20/08223/FULL

Installation of five condenser units and acoustic enclosure within external sunken lightwell and the installation of two external airbricks for gas ventilation at plinth level on the front elevation.
Application Refused 18 March 2021

The application was refused on the following grounds:

It has not been demonstrated that the proposed condenser units will be designed and operated without causing harm to the amenity of neighbouring residential occupiers as a result of noise and vibration. The information contained within the submitted acoustic report by Bickerdike Allen Partners reference A11350_01__MO001_1.0 dated 1 March 2021 does not demonstrate that your proposal would meet S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

(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: JULIA ASGHAR BY EMAIL AT jasghar@westminster.gov.uk

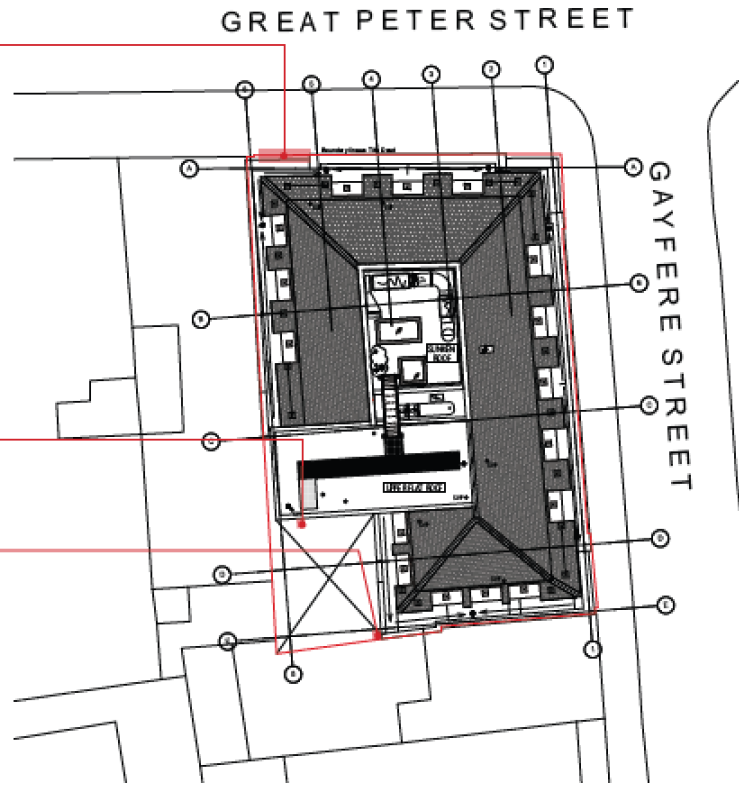
8. KEY DRAWINGS

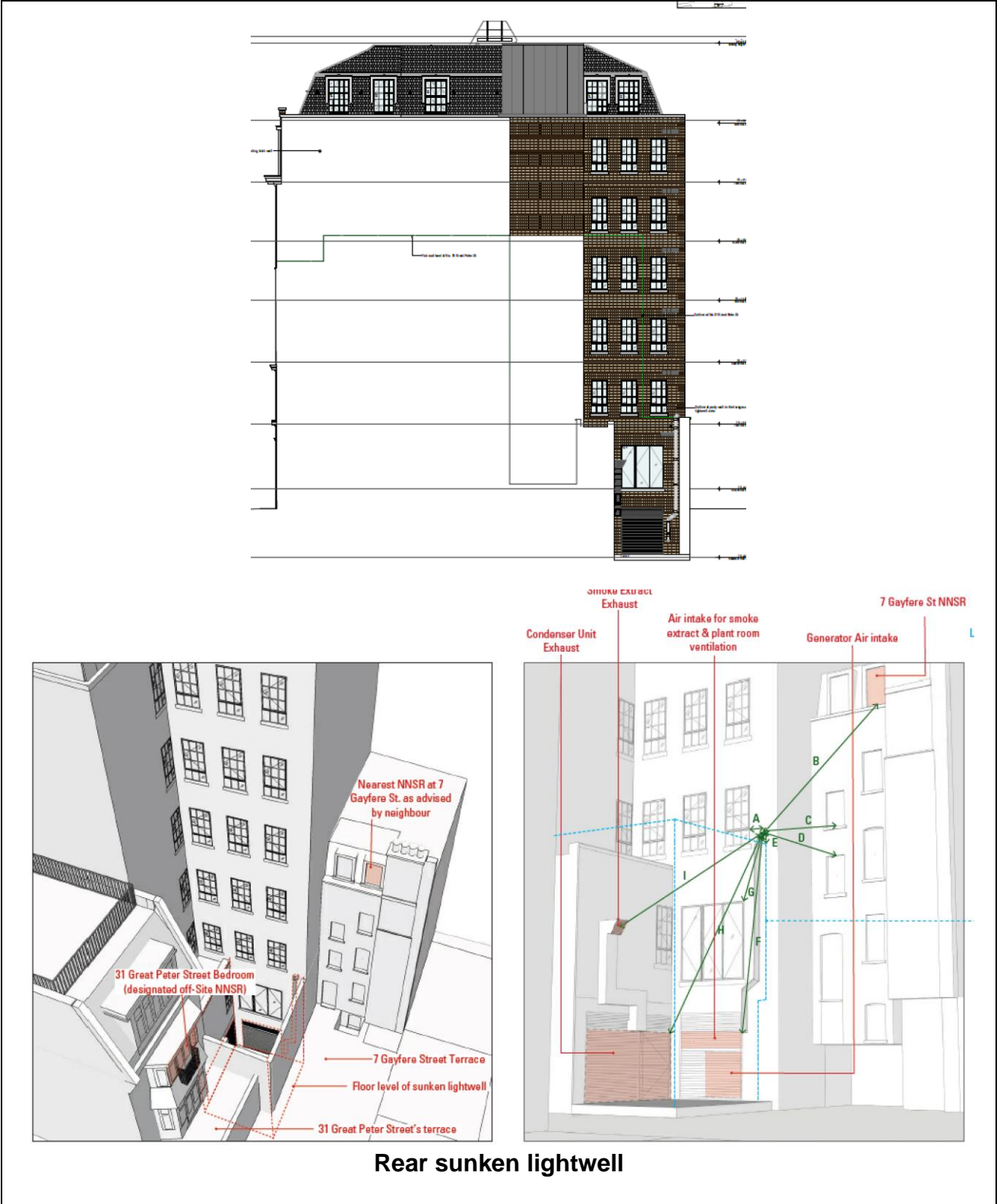
Application 1

3. Proposed 2 no. airbricks at street level, close to pavement.

2. Proposed smoke extract duct location

1. Proposed generator exhaust flue pipe location



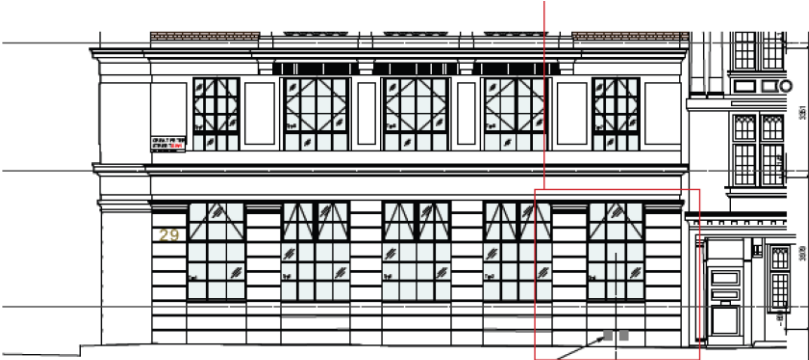




Generator exhaust flue

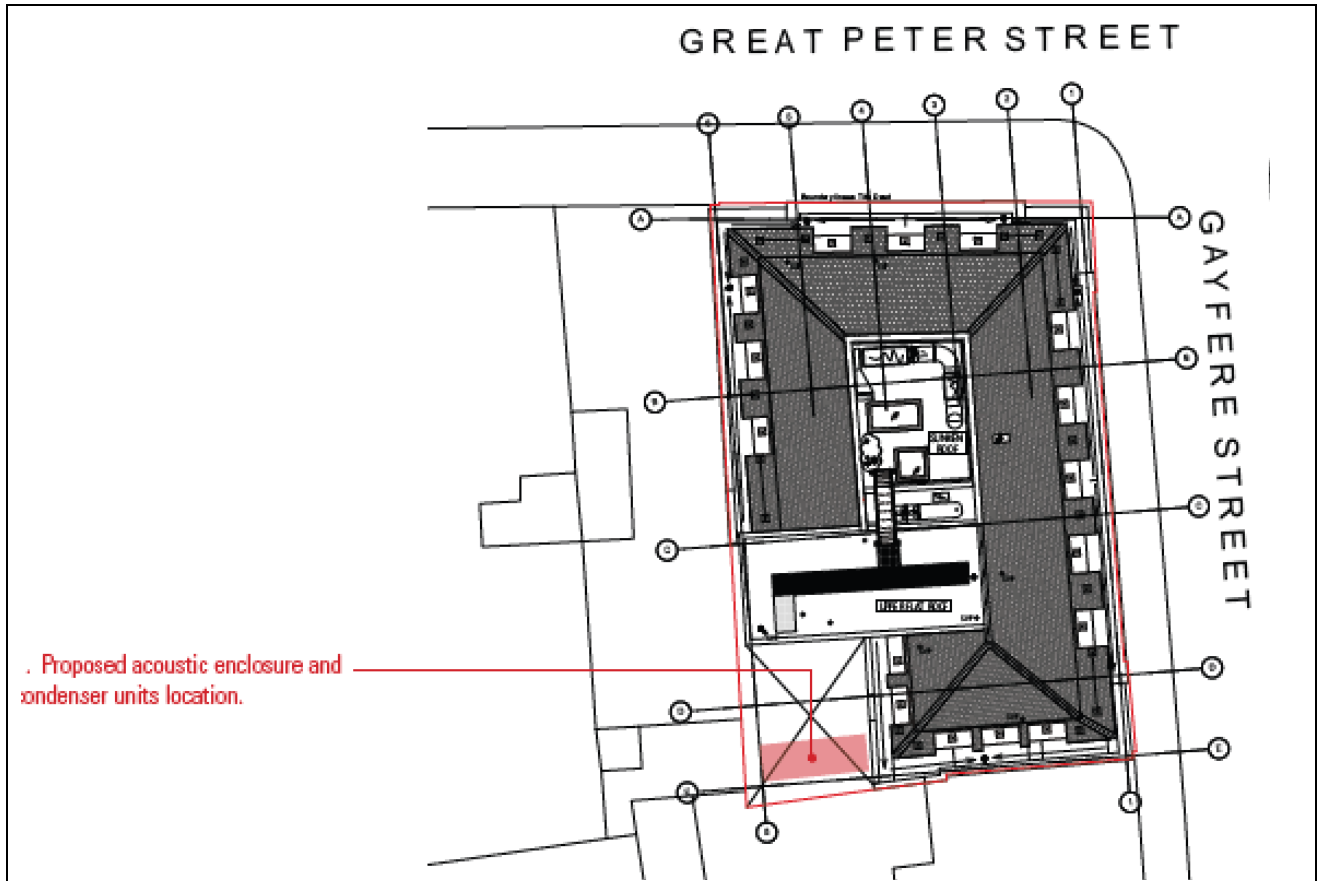


Smoke extract duct



Air bricks to Great Peter Street

Application 2



. Proposed acoustic enclosure and condenser units location.

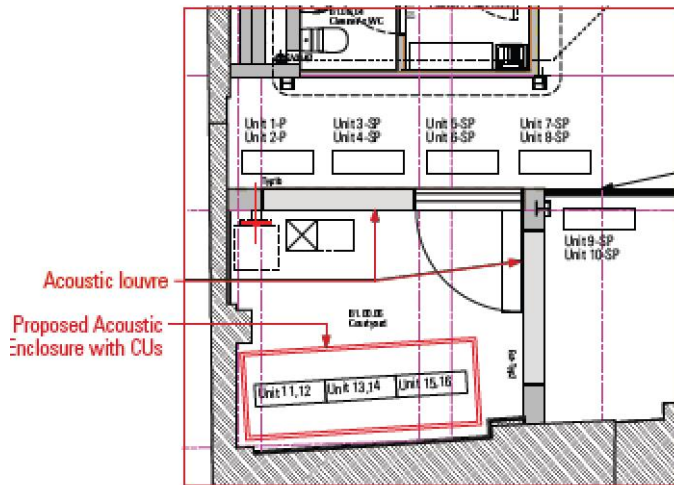


Fig. 13 - Proposed plan with location of independent acoustic enclosure



Fig. 14 - View from ground floor unit of installed CU enclosure



DRAFT DECISION LETTER

- Address:** 29 Great Peter Street, London, SW1P 3LW
- Proposal:** Installation of emergency smoke extract duct and emergency generator exhaust flue with attenuator within external sunken lightwell; and installation of two external airbricks at plinth level to Great Peter Street and associated works (part retrospective).
- Reference:** 22/01194/FULL
- Plan Nos:** Site location plan; 831-GAB1-P1; 831-GE01-P11; 831-GE03-P5; 831-GE04-P9; 831-GAB1-P2; 831-GE01-P13; 831-GE03-P6 and 831-GE04-P11. Emergency Plant Acoustic Report from Bickerdike Allen Ref:A11350_00_RP005_3.0 dated 21 April 2022 and Air Quality Assessment from Aether Ref: AQ Assessment /2022/Great Peter Street version 4 dated 14 April 2022., , For information: Design and Access Statement dated February 2022 .
- Case Officer:** Seana McCaffrey **Direct Tel. No.** 020 7641
07866037773

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

Reason:

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

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

- 4 The emergency plant and generators hereby approved shall only be used for the purpose of public safety and life critical systems and shall not be used for backup equipment for commercial uses such as Short Term Operating Reserve (STOR). The emergency plant and generators shall be operated at all times in accordance with the following criteria: , (1) Noise emitted from the emergency plant and generators hereby permitted shall not increase the minimum assessed background noise level (expressed as the LA90, 15 mins over the testing period) by more than 10 dB one metre outside any premises., , (2) The emergency plant and generators hereby permitted may be operated only for essential testing, except when required in an emergency situation., , (3) Testing of emergency plant and generators hereby permitted may be carried out only for up to one hour every 6 months, and only during the hours 09.00 to 17.00 hrs Monday to Friday and not at all on public holidays. Neighbouring residents (7 Gayfere Street, 31 Great Peter Street and tenant representative of Tufton Court) shall be given advance notification of 10 working days of any scheduled maintenance visit.

Reason:

Emergency energy generation plant is generally noisy, so in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), a maximum noise level is required to ensure that any disturbance caused by it is kept to a minimum and to ensure testing is carried out for limited periods during defined daytime weekday hours only, to prevent disturbance to residents and those working nearby. (R50AC)

- 5 You must install the acoustic attenuation measures shown on the approved drawings and as set out in Section 4.6 of the Emergency Plant Acoustic Report from Bickerdike Allen Ref:A11350_00_RP005_3.0 dated 21 April 2022 within 3 months from the date of this decision. You must then maintain the attenuation measures in the form shown and as specified for as long as the machinery remains in place.

Reason:

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

- 6 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies

unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

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

- 7 You must finish the ductwork in grey and the air bricks in a colour to match the material next to it. You must then keep it that colour thereafter. (C26FA)

Reason:

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

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 contact Environmental Sciences by email to environmentalsciences2@westminster.gov.uk if you have any queries about your obligations under the Control of Pollution Act 1974 or the Environmental Protection Act 1990.

DRAFT DECISION LETTER

Address: 29 Great Peter Street, London, SW1P 3LW

Proposal: Installation of five condenser units and acoustic enclosure, acoustic canopy and acoustic sound absorbent panels within external sunken lightwell (part retrospective).

Reference: 22/03260/FULL

Plan Nos: Site location plan; 831-GAB1-R2; 831-GE04-P13; 831-GE11-P2; 831-GE12-P2; 831-GE13-P2; 831-GE14-P2. Plant Assessment Acoustic Report by Bickerdike Allen Partners Ref:A11350_00_RP004_3.0 dated 06 May 2022; and E-mail from David Williams with response from Bickerdike Allen Partners dated 22 June 2022., , For Information only: Design and Access Statement dated April 2022.

Case Officer: Seana McCaffrey **Direct Tel. No.** 020 7641 07866037773

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

Reason:

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

- 3 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and

machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 5 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant including a proposed fixed noise level for written approval by the City Council. Your submission of a noise report must include: (a) A schedule of all plant and equipment that formed part of this application; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment; (c) Manufacturer specifications of sound emissions in octave or third octave detail; (d) The location of most affected noise sensitive receptor location and the most affected window of it; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (g) The lowest existing LA90 (15 minutes) measurement recorded under (f) above; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; (i) The proposed maximum noise level to be emitted by the plant and equipment. (C46BC)

Reason:

As set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the 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 ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46BC)

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

defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects 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)

- 5 You must install the acoustic attenuation measures shown on the approved drawings and as set out in Section 6 of the Acoustic Report by Bickerdike Allen Partners Ref:A11350_00_RP004_3.0 dated 06 May 2022 within 3 months from the date of this decision. You must then maintain the attenuation measures in the form shown and as specified for as long as the machinery remains in place.

Reason:

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

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

Reason:

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

- 7 You must finish the acoustic enclosure and acoustic canopy in grey and the absorbent panels in a colour to match the material next to it. You must then keep it that colour thereafter. (C26FA)

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 contact Environmental Sciences by email to environmentalsciences2@westminster.gov.uk if you have any queries about your obligations under the Control of Pollution Act 1974 or the Environmental Protection Act 1990.

Agenda Item 5

Item No.

5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 24 January 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved Abbey Road	
Subject of Report	6 The Lane, London, NW8 0PN		
Proposal	Demolition of rear of building including extensions; construction of new part-one, part-two storey side and rear extension, excavation of a basement, construction of new front porch, reduction and reconfiguration of size of existing outdoor swimming pool, construction of new out building in rear garden, installation of air source heat pump system in garden. Construction of a new garden wall and associated landscaping.		
Agent	Henri Bredenkamp		
On behalf of	Dr Ruth Cooklin		
Registered Number	22/03562/FULL	Date amended/ completed	14 June 2022
Date Application Received	28 May 2022		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY & KEY CONSIDERATIONS

The application proposes the demolition of rear of building including extensions; construction of new part-one, part-two storey side and rear extension, excavation of a basement, construction of new front porch, reduction and reconfiguration of size of existing outdoor swimming pool, construction of new out building in rear garden, installation of air source heat pump system in garden and construction of a new garden wall and associated landscaping.

Objections have been received from 4 residents and the St John's Wood Society on the grounds of design, including the impact on the St John's Wood Conservation Area and the adjacent listed buildings, the bulk, height and detailed design of the replacement building and amendments to the front boundary, the impact on amenity including loss of sunlight/daylight to neighbouring buildings and overlooking, noise and the impact of the basement on trees.

The key considerations in this case are:

- The acceptability of the demolition of the existing building and the sustainability of the replacement
- The acceptability of the proposed building in design terms.
- The impact of the proposals on the character and appearance of the St John's Wood Conservation Area and the setting of other nearby designated heritage assets, such as the grade II listed buildings close to the site.
- The impact on the amenity of neighbouring residential properties.

It is considered that the demolition of the majority of the existing building is acceptable in this instance given the sustainability qualities of the new house. The proposals are considered to enhance the character and appearance of the St Johns Wood Conservation Area and would not be harmful to the amenities of neighbours. 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



4. PHOTOGRAPHS

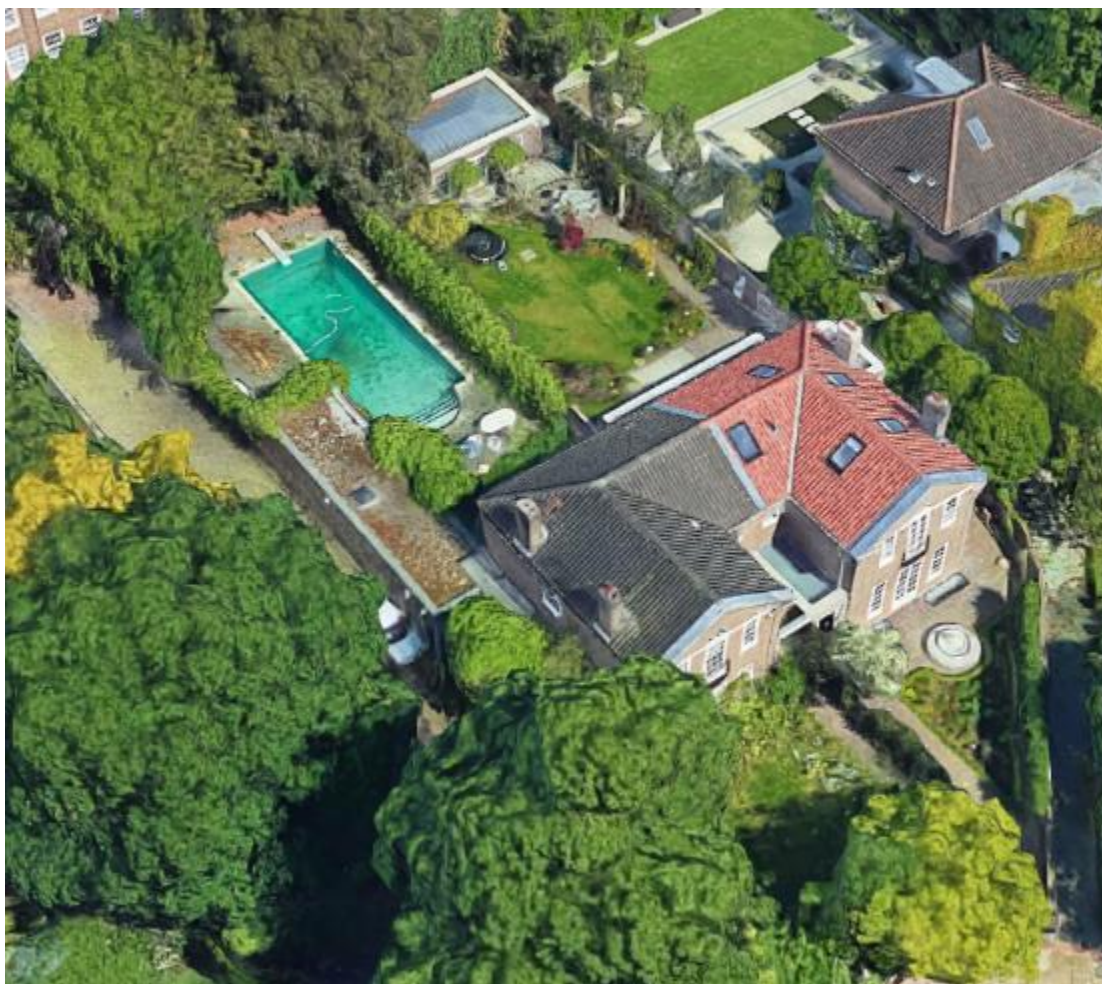
Front Elevation



Rear Elevation



Aerial Imagery (front elevation) of application site (grey roof and pool in rear garden) and neighbouring property



Aerial Imagery (rear elevations) of application site and neighbouring property



5. CONSULTATIONS

5.1 Application Consultations

ST JOHNS WOOD SOCIETY:

Objection raised on the grounds that the proposals are an overdevelopment of the site; with the two storey side extensions is over dominant and the front lightwell is oversized. The 2 storey side extension results in a sense of enclosure on the Lane. A request is made that the arboricultural officer carries out a site visit. In addition, should permission be granted, given the sites location, neighbours should be consulted fully on the CMP and there should be no Saturday working to protect the amenity of neighbours.

THAMES WATER:

No objection.

ENVIRONMENTAL SCIENCES:

No objection subject to conditions.

ARBORICULTURAL OFFICER:

No objection subject to conditions.

BUILDING CONTROL:

No objections to structural method statement.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 45

Total No. of replies: 9 (2 from the same household)

No. of objections: 9

No. in support: 0

Nine objections received on the following grounds:

Land Use:

Design:

- The proposals would not retain the traditional and classical London residential character;
- The proposals impact the character and appearance of the conservation area;
- The scale of the development would breach the Conservation Area Audit which states that the area is low density;
- The proposals will not preserve the symmetry between 6 and 7 The Lane, notably the front gables when viewed from the front;
- The two storey side extension and the large front lightwell will be a domineering feature and falls foul of design policies.

Sustainability:

- Excess carbon footprint from demolition;

Amenity:

- Loss of privacy from the extensions (and windows) that protrude further into the site than the existing;
- Sense of enclosure to the adjacent property because of the new rear bulk and massing;
- Light spillage from rooflights to rear single storey extension.

Tree's:

- Loss of tree's is barbaric;
- Loss of tree's would harm the leafy nature of the conservation area;
- No justification is given to the loss of the tree's;
- The Root Protection Area's of tree will be affected by the basement excavation and swimming pool

Other:

- Will the foundations of the site cope with basement excavation;
- Noise, dirt and disruption during the course of work;
- Detrimental impact to those working from home;
- Residents of neighbouring properties will be forced to move out during works;
- An application was refused last year at a similar property on the grounds that tree's had been removed before consent was given;
- The application form says consultation with neighbours was carried out – this is incorrect and no neighbour consultation was carried out. The applicant should be challenged on this;
- The application is silent on matters such a number of construction vehicles; access for emergency services and the application should not be progressed until modelling of construction impacts has been carried out.

PRESS NOTICE/ SITE NOTICE:

Yes

5.2 Applicant's Pre-Application Community Engagement

Objections have been received on the grounds that the application is misleading and says that neighbours were consulted on the proposals by the applicant, when according to the residents of The Lane this did not happen.

The applicant was asked to clarify the engagement that took place and advised officers that when the current owners purchased the property, they reached out the residents of The Lane via email and advised that they were working up some proposals for works to the building and would present these to them when more finalised. For personal reasons, this was unable to happen prior to the submission of the application.

Whilst regrettable, formal pre-application engagement is not required for a development of this scale although it is encouraged by the City Council for all development, as set out in the Council's Early Engagement Guidance. The applicant engaged with the local amenity society however they declined to comment given staffing constraints. 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

The application relates to an existing large semi-detached villa within the St John's Wood Conservation Area. It is not listed, but is noted by the Conservation Area Audit as being an unlisted building of merit to the conservation area. The site is accessed via a private road from Marlborough Place.

The house forms an attached pair with no.7, with the two arranged in a roughly U-shaped plan with prominent broken-pedimented wings projecting forwards of the main rear range. The entrances to each property are set within the recess between these projecting wings, although No. 7 has built this out to meet the forwards building line. The application site has been extended to the rear, west of the site boundary, with a flat-roofed single-storey garden wing running parallel with the side lane and provides a degree of enclosure to the rectangular rear garden.

7.2 Recent Relevant History

22/05779/TCA:

Fell 2 x lime trees T9 and T10: Repollard 1 x lime tree T8: Reduce height by 3-4m of

Leyland cypress group (un-managed hedge): Reduce crown by 3-4m all round of 1 x Eucalyptus tree T12.

Various alterations have been made to other properties within the cul-de-sac which includes excavations of basements.

8. THE PROPOSAL

Permission is sought for the demolition of rear part of building and extensions; construction of new part-one, part-two storey side and rear extension, excavation of a basement, construction of new front porch, reduction and reconfiguration of size of existing outdoor swimming pool, construction of new out building in rear garden, installation of air source heat pump system in garden and construction of a new garden wall and associated landscaping. Very minor amendments have been made to the rear rooflights and that they now are to be openable for ventilation and the design of the front porch has been designed to reflect its neighbour at No. 7 The Lane.

The proposed two-storey side and rear extension would be built off the rear part of the side elevation at the same scale as the main eaves and ridgeline, with the rear dropping down from the main ridge. A replacement single-storey rear wing extension would project from the rear wall of the main house, to a slightly taller and broader plan than the existing so that it can join up with a new single-storey rear extension. Below ground a basement would be built beneath the house and part of the rear garden and two lightwells are to serve this. A new porch extension would also be built, again to meet the forwards building line as per no.7.

9. DETAILED CONSIDERATIONS

9.1 Land Use

The existing building is 219sqm and the proposed rebuilding of the property and extensions would result in a total floorspace of 494sqm. 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 and accords with policy.

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. The new house would be comparable to a number of the houses in The Lane and surrounding area. Therefore, the objection raised by the St John's Wood Society cannot be supported in this instance.

9.2 Environment & Sustainability Sustainable Design

The proposals include sustainability features such as air source heat pump technology, connected to underfloor heating/cooling and are considered to be in compliance with Policy 38 (Parts D, E and F).

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 demonstrated that options for the retention and retrofitting of the existing building have been explored, and that industry experts have advised that to retain the bulk of the existing structure, whilst meeting their aspirational energy targets (the application has targeted better U values than those proposed in the Part L1A of the Building Regulations) would be extremely difficult given the age and quality of existing materials.

The proposal has followed the GLA energy hierarchy and has designed out any gas provision.

Whole life carbon

Policy 36 (Energy) states that Major development should be net zero carbon and demonstrate through an energy strategy how this target can be achieved.

The proposed scheme creates under 1000sqm of floorspace and therefore is not classed as a major application and accordingly, a Whole Life Carbon Assessment is not required in this instance.

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 and it is their intention to re-use roof tiles and brickwork. It is recommended that a condition is added to any permission granted requiring the submission of a Pre-Demolition Audit /Recycling Strategy for all demolished materials.

Flood Risk & Sustainable Drainage

The site lies within the Abbey Road Surface Water flood risk hotspot. 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 lightwells and garden areas where substantial areas of soft landscaping and planting is proposed. In addition a large green roof to the single storey element of the new side/ rear extension is proposed of approximately 87m² allowing a reduce impact on the drainage system. Further to this a rain water harvest tank is proposed.

Light Pollution

Two glazed rooflights are proposed to the rear single storey projection and a glazed rooflight to the front porch is proposed. These are relatively modest in size and are not considered likely to result in any significant increase in light pollution.

Land Contamination

The Environmental Science Officer has requested that the councils contaminated land condition is attached to any permission and states that as the proposal includes a basement, as per Public Health England document titled: 'UK National Radon Action Plan' published in 2018 it states: 'Radon measurements should be made in regularly occupied basements of properties irrespective of their geographical location (HPA, 2010)'. On this basis they would expect an assessment for the potential of radon, therefore the Contaminated Land condition is recommended.

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 large 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. Objections have been received on the grounds that the felling of trees is unacceptable, not only harmful to the leafy nature of St John's Wood conservation area but that the loss of these will impact on wildlife also.

As noted above, the Council have raised no objection, to application 22/05779/TCA to the felling of 2 x lime trees T9 and T10: Repollarding of 1 x lime tree T8: Reduction in height by 3-4m of a Leyland cypress group (un-managed hedge) and the reduction in the crown by 3-4m all round of 1 x Eucalyptus tree T12. It should be noted that this application was submitted after the planning application was submitted and after neighbour consultation was carried out. The current description of development has been amended to reflect this.

Amendments during the course of the application have been made to the proposed plant room in the rear garden and this has been significantly reduced in area to ensure that any risk is reduced to the Eucalyptus tree T12 which is some 3.5m away.

A large 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.

Significant landscaping is proposed and this raises no objection from the Council's arboricultural officer, subject to conditions.

9.4 Townscape, Design & Heritage Impact

Legislative Requirements:

The key legislative requirements in respect to designated heritage assets are 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.”*

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.

Existing Building and Site:

The application relates to an existing large semi-detached villa within the St John’s Wood Conservation Area. It is not listed, but is noted by the Conservation Area Audit as being an unlisted building of merit to the conservation area. Whilst this is not incorrect, the merit exhibited by the existing building is slightly more than neutral, partly given it’s relatively late date, but also due to later alterations. It’s relative neutrality is due in part to its inobtrusive form and character, whilst some elements of interest such as its symmetrical projecting and pedimented front elevation, Flemish bond brickwork and sash windows elevate it to provide some limited merit to the conservation area. As with the rest of the properties in The Lane, the site has a relatively insular relationship with the rest of the conservation area, particularly given it is a non-adopted private road. There is some overlooking from adjacent apartment blocks, but in general terms The Lane has a relatively isolated impact on the rest of the conservation area.

In basic form, the house forms an attached pair with no.7, with the two arranged in a roughly U-shaped plan with prominent broken-pedimented wings projecting forwards of the main rear range. The entrances to each property are set within the recess between these projecting wings, although both houses have already built this out to meet the forwards building line. The application site has been extended to the rear, on the western side of the site, with a slim flat-roofed single-storey garden wing which is the boundary wall and provides a degree of enclosure to the rectangular rear garden.

Proposals:

The application seeks planning permission for a two-storey side and rear extension, an extension to the main rear elevation and a replacement single-storey rear wing extension, a basement extension including front and rear lightwells, and hard and soft landscaping including a replacement outdoor swimming pool, pool building and pergola.

In design and conservation terms, the most significant of these proposals is the proposed two-storey side and rear extension. This would be built off the rear part of the side elevation at the same scale as the main eaves and ridgeline, whilst to the rear this would drop down from the main ridge. A replacement single-storey rear wing extension would again project from the rear wall of the main house, to a slightly taller, deeper and broader plan than the existing so that it can join up with a new single-storey rear extension. Below ground a basement would be built beneath the house and part of the rear garden, and a small part of the front garden for a front lightwell in line with the main forwards building line. A new porch extension would also be built, again to meet the forwards building line as per no.7.

Objections:

The proposals have received objections from neighbours and from the St John's Wood Society. Amongst other issues relating to amenity, trees and construction works, these objections include mention that the site is within the conservation area, and suggest that the proposal would harm the symmetry of the property's pairing with No.7. The occupier of No. 7 has noted in their objection that under an earlier application for their property advice was given that a two storey side/rear wrap extension would not be considered favourably because of symmetry concerns with No.6. The objector notes that they subsequently pursued an application for a single storey rear extension and a separate first floor extension and removed the wrap around extension.

Assessment:

The proposals are a comprehensive remodelling of the existing home, with a relatively significant above-ground set of extensions. These have however been designed in a manner which minimises their potential impact. Whilst a ground and first floor level side/rear wrap around extension would normally be discouraged, given the extensive single storey extension at this site; that 6 The Lane is viewed within The Lane as the end of terrace and does not have a boundary with another property and as the more dominant property of the pair, it is considered that there is scope on this site for a two storey and wrap around extension to be accommodated. No formal determination of an application for a two storey side/rear wrap around extension was made to No. 7 and therefore the current application for works at No. 6 The Lane is to be considered on its merits. The two-storey extension, whilst of the same height as the main house, is set well back from the front building line of the house, such that it sits in line with the main rear wing. This ensures it remains subservient to and respectful of the front wing, which continues to act symmetrically with that of no.7 next door. The extension is shown to match the elevational treatment of the main house, such that subject to a sound selection of matching bricks, it should preserve its appearance and contribution to the conservation area.

The single-storey rear extensions to the rear elevation of the building is acceptable in design terms and has been designed to meet the height and depth of the rear extension at No. 7. The single -storey rear wing extension is larger than would normally be seen on a house of this size, but as this replaces an existing one in the same position, albeit it slightly deeper, wider and higher than the existing, the principle of a larger extension is acceptable. The extension will create a new and taller boundary wall with the cobbled lane adjacent and the additional bulk will all be accommodated behind the boundary wall and therefore only seen in very oblique views from The Lane and its height and depth are such that it does not dominate the rear garden when compared to the existing. The

elevation design of the single-storey extensions are considered to be an improvement upon the existing, which is quite functional and poorly planned in appearance. A door to the lane is proposed, however this replaces an existing opening.

The proposed basement has two external manifestations, in the form of a front and rear lightwell. The rear lightwell is of relatively limited size, whilst the front, although larger, is to be slightly set back from the front building line, and would be concealed by a planter, and therefore not seen in views from The Lane and neighbouring properties.

The replacement external swimming pool which is to be significantly reduced in size, the new pool plant building to the rear of the site, replacing the existing pool plant room to the side boundary and the new pergola structure raises no design concerns.

Overall, whilst not insubstantial, the proposals are considered to preserve the appearance of the host building, and the manner in which it contributes to the character and appearance of the St John's Wood Conservation Area. The application is considered to be in accordance with Policies 38 (design principles), 39 (heritage) and 40 (townscape and architecture).

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 notably, loss of privacy from the extensions (and windows) that protrude further into the site than the existing, closer to the flats in Knoll House which is to the rear of site of Carlton Hill ; sense of enclosure to the adjacent property because of the new rear bulk and massing and light spillage from rooflights to rear single storey extension.

Basement

Given its subterranean location and limited external manifestations, the proposed basement would not have any material impact on the amenity of neighbouring residents. The only external elements are the lightwells, which given their size and location will have very minimal impact in terms of neighbouring amenity.

Daylight & Sunlight and sense of enclosure

A new garden wall between No. 6 and 7 is proposed at 2m in height. This is the same height as allowed utilising permitted development and therefore raises no amenity concerns.

The rear ground floor extension on the boundary with No. 7 The Lane measures 3m in depth and has been designed to match the bulk and massing of the rear ground floor extension of No. 7. The height is marginally higher than the extension at No. 7 by 0.3m and it appears that this accommodated the green roof and upstand. The extension is

not considered to result in any loss of light or sense of enclosure.

The rear wing extension on the application sites western boundary, whilst marginally longer in depth and wider than existing, projecting eastwards into the patio area to the rear of the main part of the house, is 3.3m in height and is not considered to result in any loss of light or sense of enclosure to the occupiers of No. 7 The Lane or to the flats to the rear in Knoll House.

Given the application site, adjacent to the cobbled lane serving some garages, the two storey side extension does not impact on any neighbouring residential amenity. At first floor level, the extension projects beyond the main rear elevation of the property by 3m, however this is sited more than 6m from the property boundary of No. 7 The Lane and is therefore not considered to result in any significant loss of light or sense of enclosure.

Loss of Privacy

Whilst there is an increase in the expanse of windows and doors in the new ground floor projection and first floor rear elevation compared to the existing, the outlook of these is primarily to the application site garden. Noting that the proposals are for an extended single family dwelling house, the increase in depth and width of the rear projections which brings these windows marginally closer to Knoll House and No.7 The Lane is not considered to result in any harmful overlooking.

A number of new windows are proposed in the extended side elevation of the building facing the cobbled land and garages. These windows do not result in any overlooking to the windows and gardens of the properties of Hamilton Terrace, not only due to the distances between them and the application site but also because of the extensive tree and foliage cover in the rear gardens of the Hamilton Terrace properties.

Light Spillage

Two glazed rooflights are proposed to the rear single storey projection and a glazed rooflight to the front porch is proposed. These are relatively modest in size and very residential in nature and are not considered likely to result in any significant light spillage. Whilst there are a number of new windows serving the house, these are not considered to result in unacceptable light levels.

Noise from Plant

Plant and machinery is proposed internally and externally within the property. The outdoor rear pool plant equipment is to be located within a dedicated pump room to the rear of the site in the garden. The basement pool will also benefit from installation within a dedicated pump room at basement level which is facing a lightwell area. The air source pumps will be located within the front garden area behind a dedicated acoustic screen.

Environmental Health officers have assessed the acoustic report submitted with the application and have no objections to the plant on noise and amenity grounds, subject to conditions. The proposals are therefore acceptable in amenity terms.

9.6 Transportation, Accessibility & Servicing

The proposals for a replacement single family dwelling raises no highways concerns.

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

Basement Excavation

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 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 within a surface water flooding hotspot and as discussed above the proposals have been designed to reduce surface water flooding as far as reasonably practicable.

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 the site and whether this can accommodate the demolition proposed and a basement excavation. 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. A number of objections have 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.

It was raised in a comment that access to the site will be difficult due to the narrow private road and a request made that the case officer carefully considers the construction management plan in order to protect the amenity of neighbours. Again, such matters will be considered by Environmental Sciences and Highways team as part of their agreement to Code of Construction Practice.

As discussed within the Design section, the proposal can be considered acceptable in regard to its impact on heritage assets.

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, except for the lightwell to the front and rear and would not extend beneath more than 50% of garden land. There would be a small area of the basement adjacent to the rear lightwell, from the rear of the property to the depth of the rear lightwell that would not comply with the soil depth requirement however due to its minimal size the impracticality of providing soil depth for this small section and the fact that a substantial front and rear garden allowing for significant landscaping to remain, the proposed basement is considered to be acceptable in this particular case. Whilst the basement is to be constructed wholly within the application including all foundations, there would also be no margin of undeveloped land between the rear part of the basement and the adjacent property at No.7. To set an element of the basement in by 0.5m, to a depth of 2.6m (this is where the lightwell finished) when it sits adjacent to a basement of significant depth at No. 7 is considered unreasonable. The basement is single storey within an internal floor to ceiling height of 2.7m. The proposed indoor pool however does mean the depth of excavation goes beyond this for the part of the basement accommodating the swimming pool, at approximately a further 0.9m. 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. Overall, the proposed basement is considered to be acceptable.

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.

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 requires the City Council to obtain the applicant's written agreement before imposing pre-commencement conditions (i.e. conditions which must be discharged before works can start on site) on a planning permission. Pre-commencement conditions can only be imposed without the written agreement of the applicant where the applicant fails to provide a substantive response within a 10 day period following notification by the Council of the proposed condition, the reason and justification for the condition.

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

- City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development;
- contaminated land;
- re-use of materials;
- tree protection measures.

The applicant has agreed to the imposition of these conditions.

10. Conclusion

The proposal is considered acceptable in design terms, mindful of policies 38, 39, 40 and 45 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.

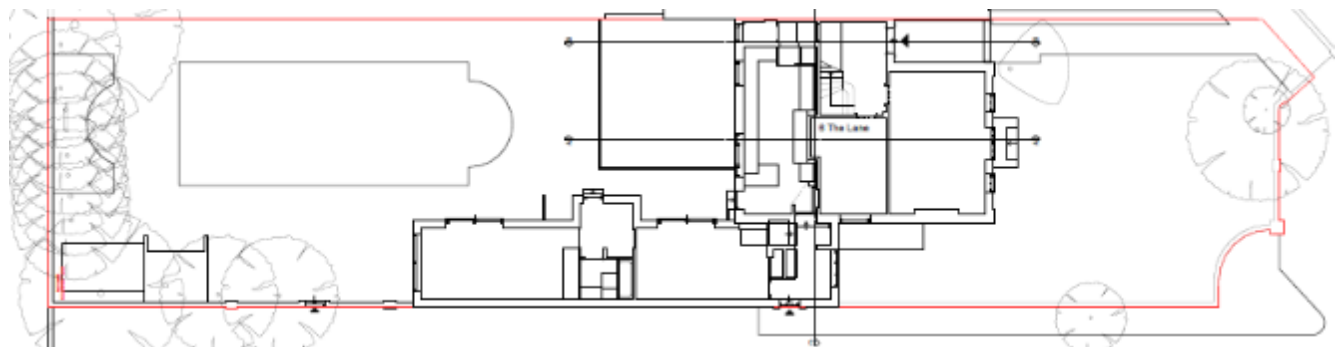
Whilst recognising the concerns raised by the objectors, the proposal is considered acceptable in design, conservation, sustainability and amenity terms and compliant with City Plan policies 7, 8, 33, 34, 35 and 36.

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

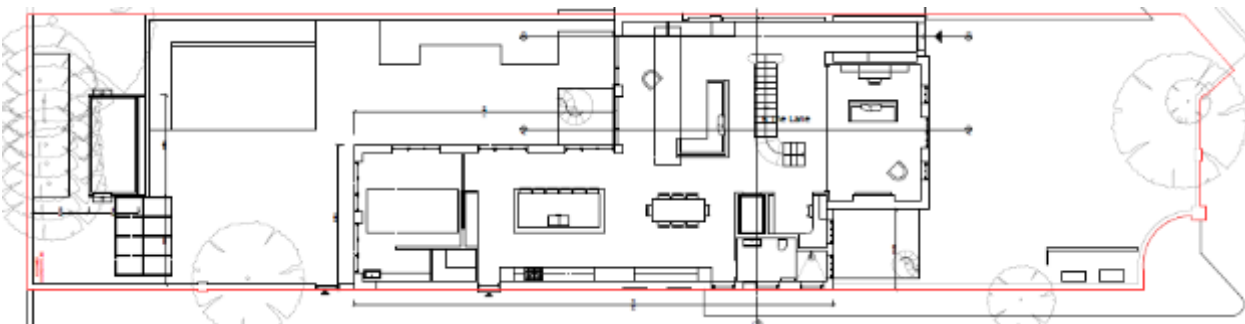
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: KIMBERLEY DAVIES BY EMAIL AT kdavies1@westminster.gov.uk

11. KEY DRAWINGS

Existing Site Plan



Proposed Site Plan



For Information Only – Floor Plans showing new areas of basement/ ground floor and first floor extensions in blue.

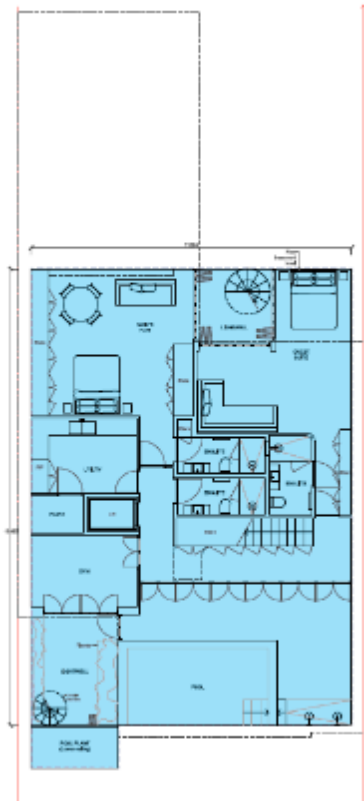


Fig. Basement floor plan showing new area in blue (NTS)

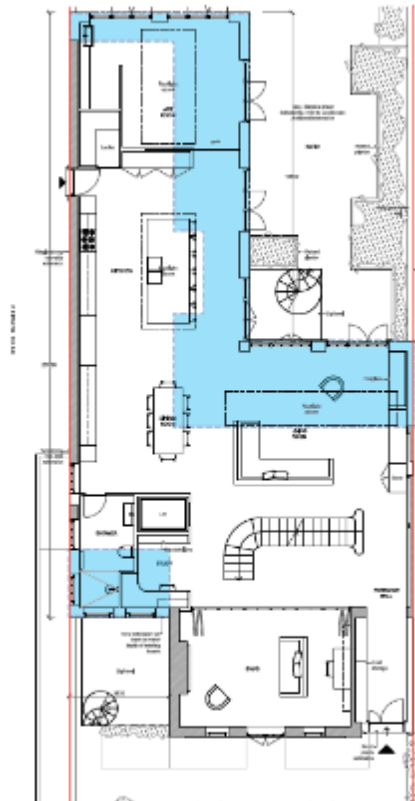


Fig. Ground floor plan showing new area in blue (NTS)

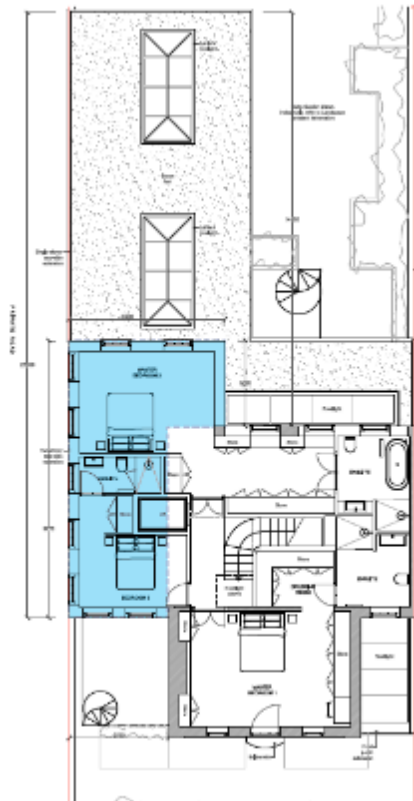
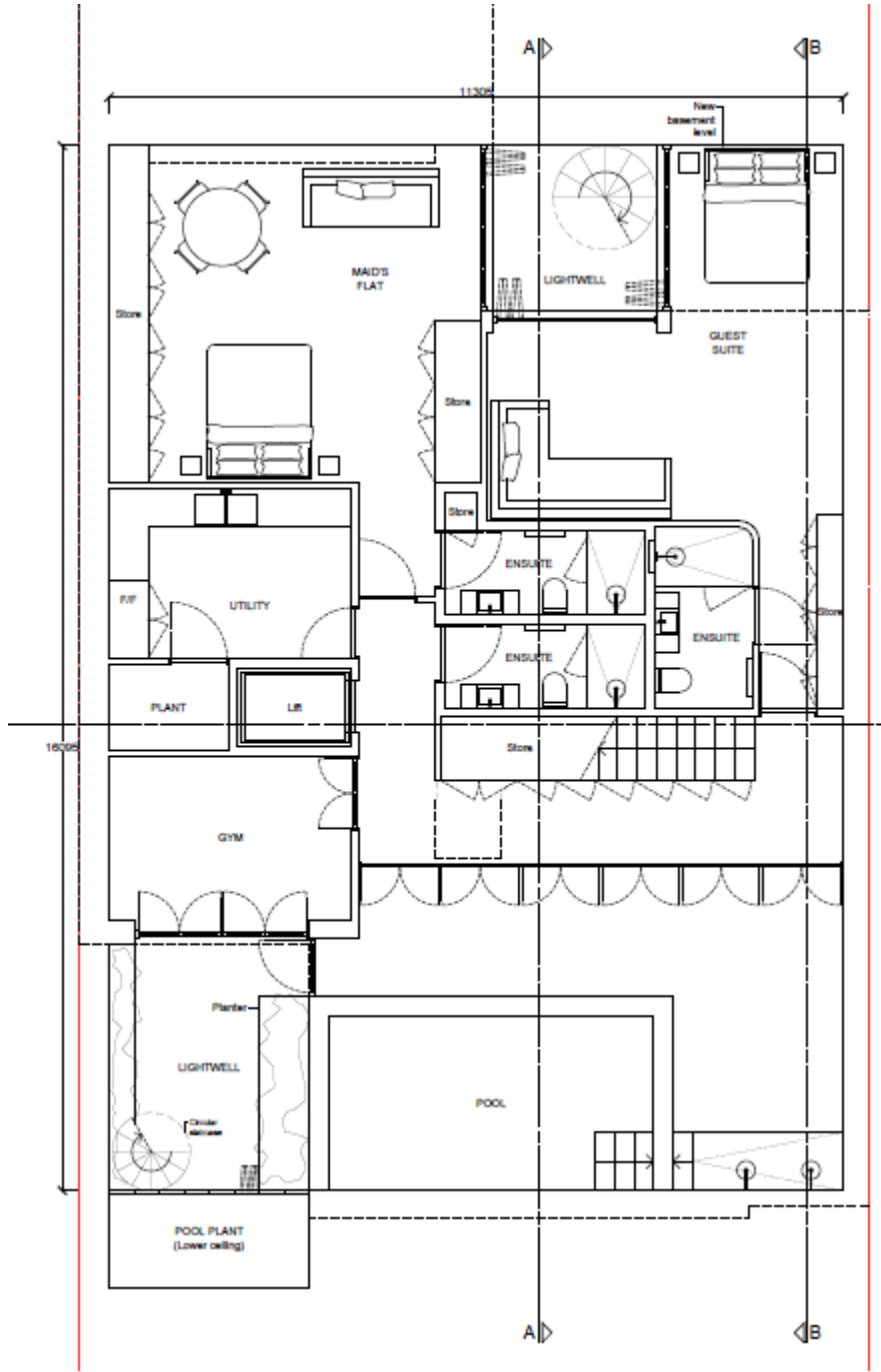
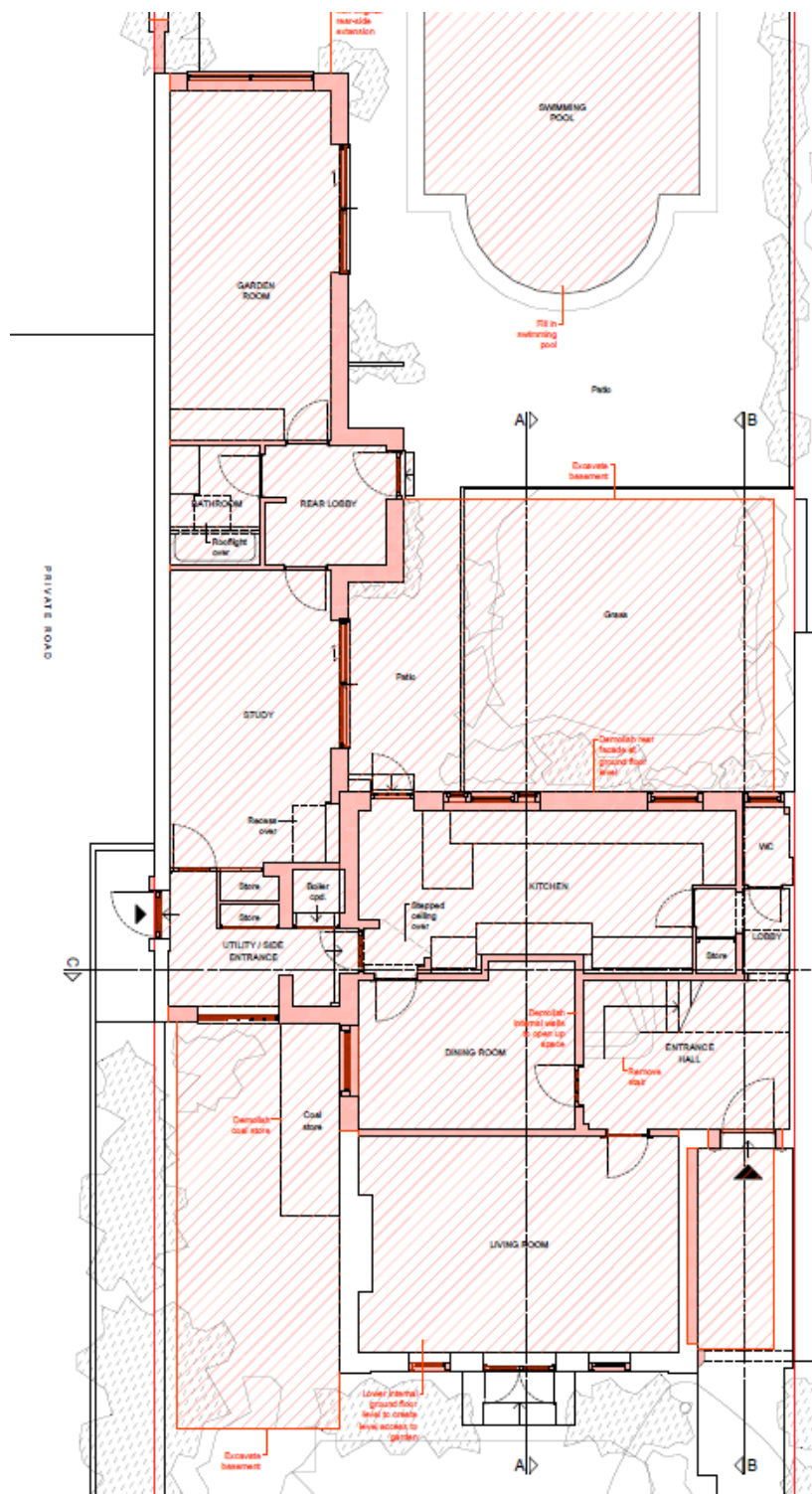


Fig. First floor plan showing new area in blue (NTS)

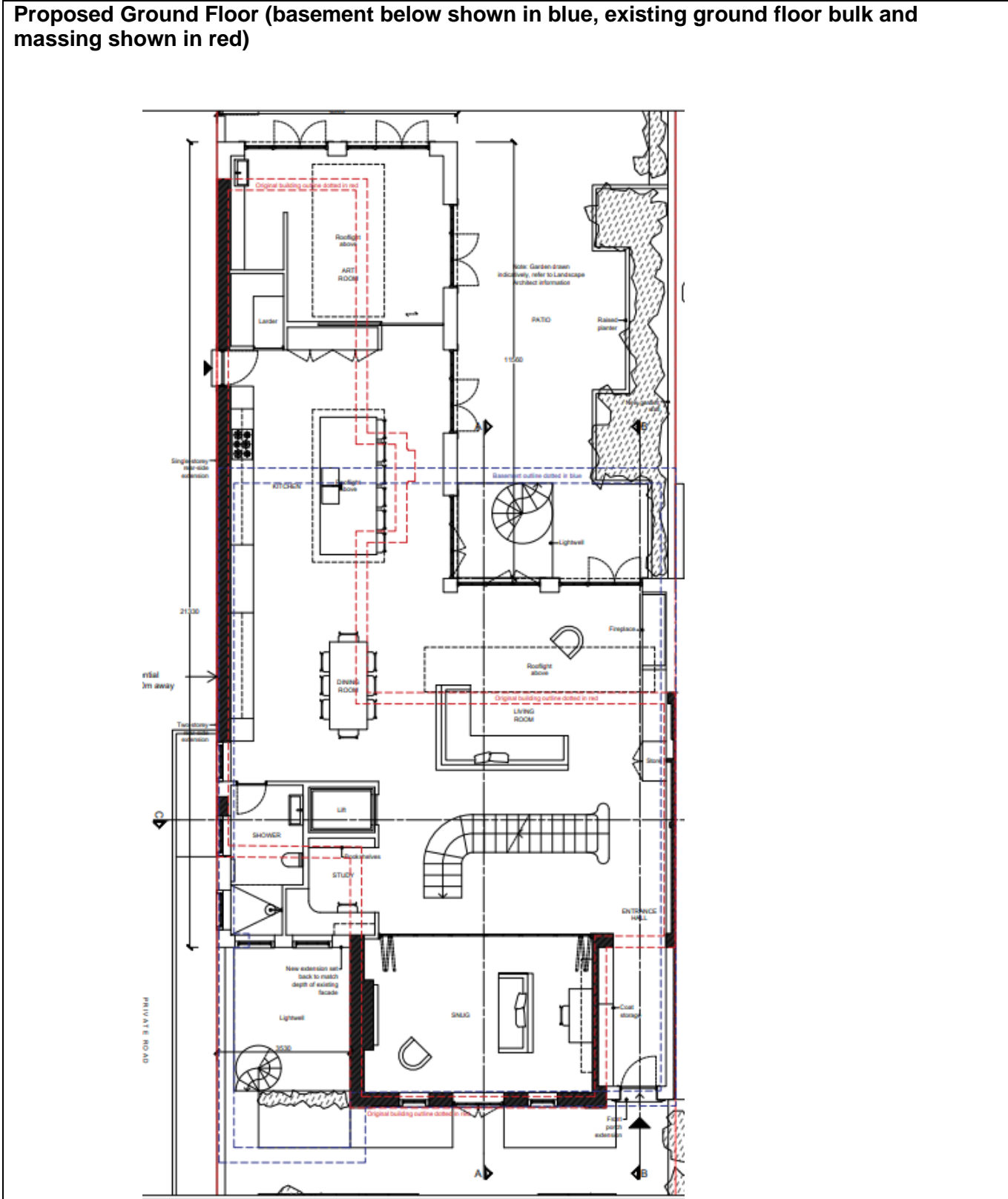
Proposed Basement

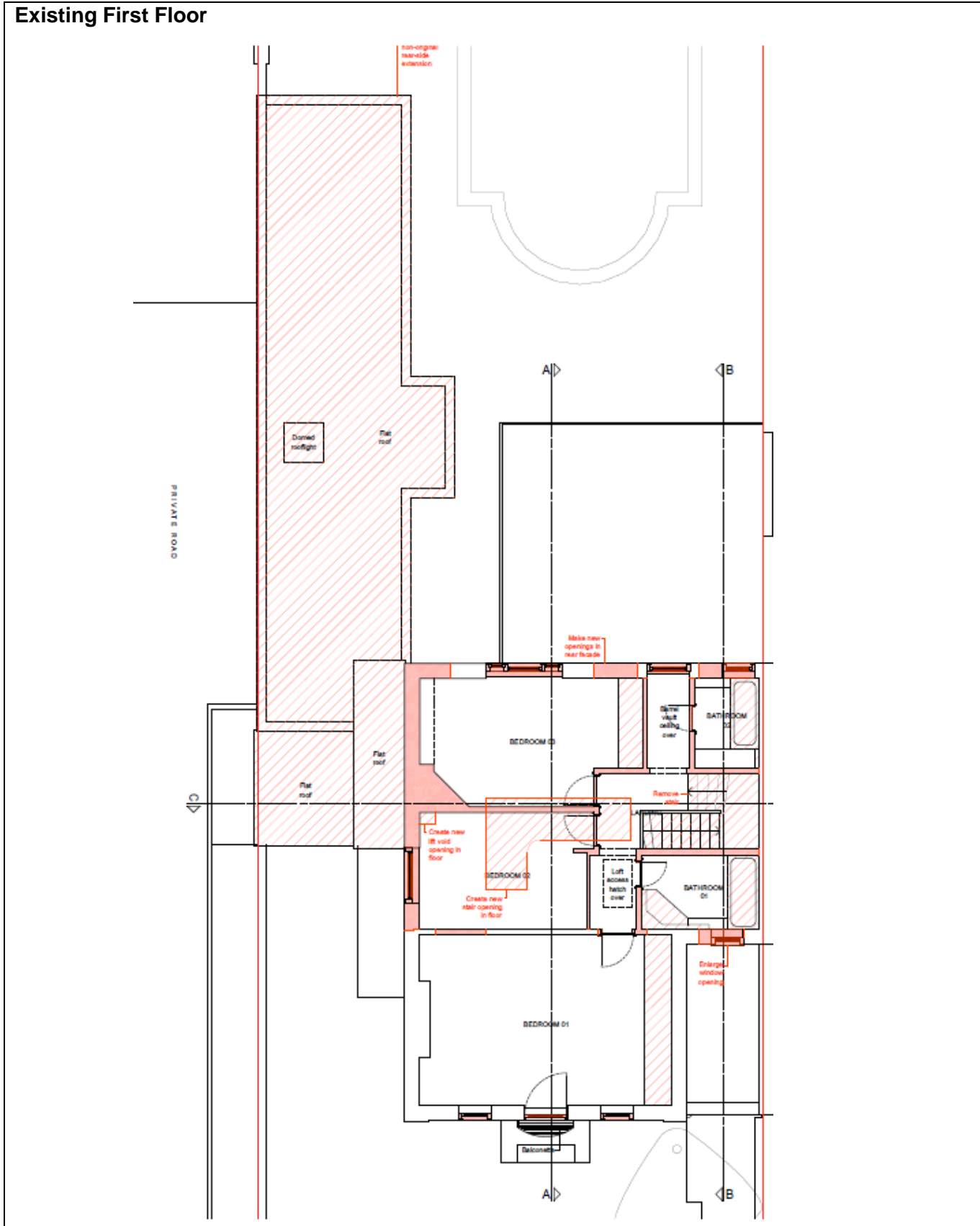


Existing Ground Floor

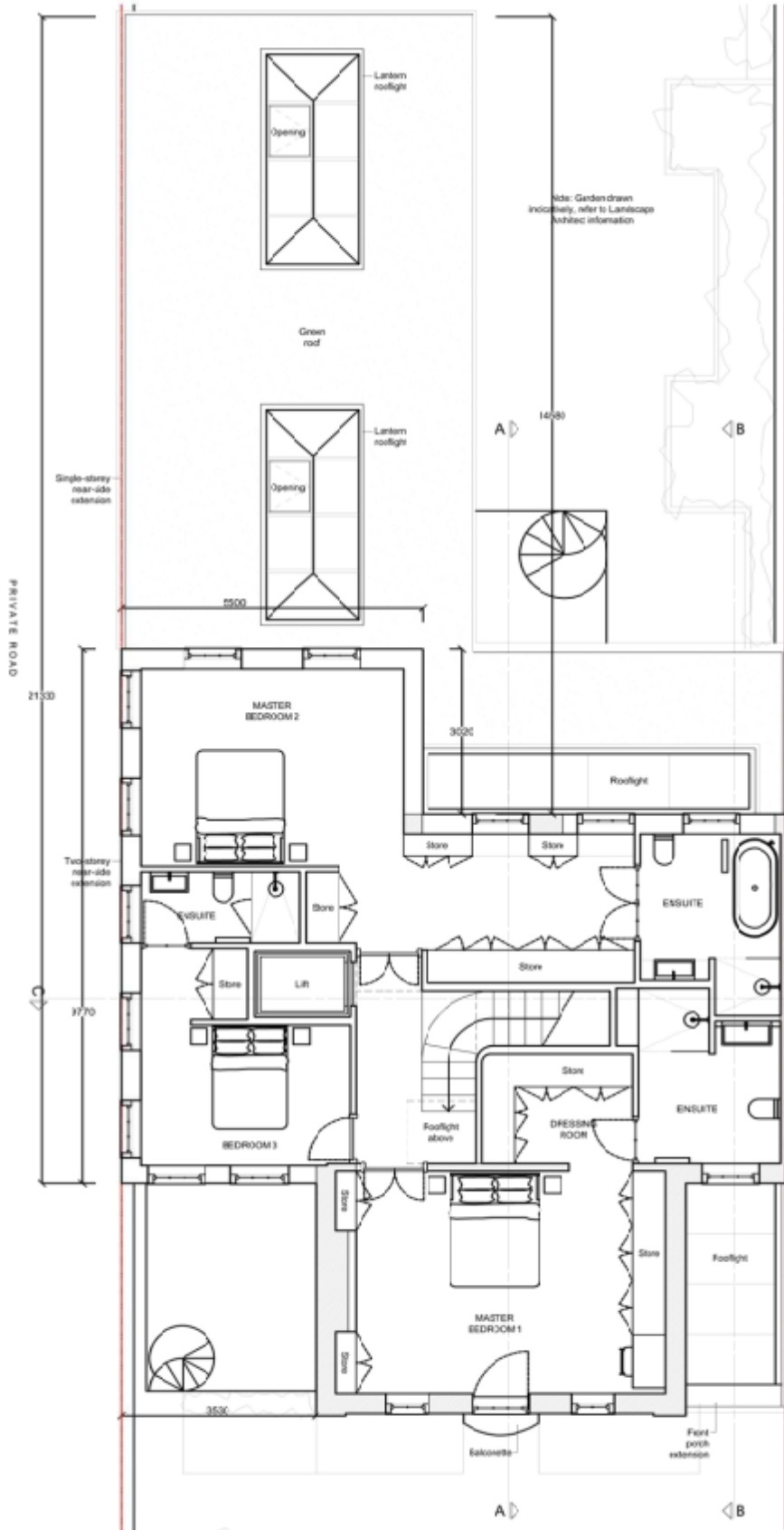


Proposed Ground Floor (basement below shown in blue, existing ground floor bulk and massing shown in red)

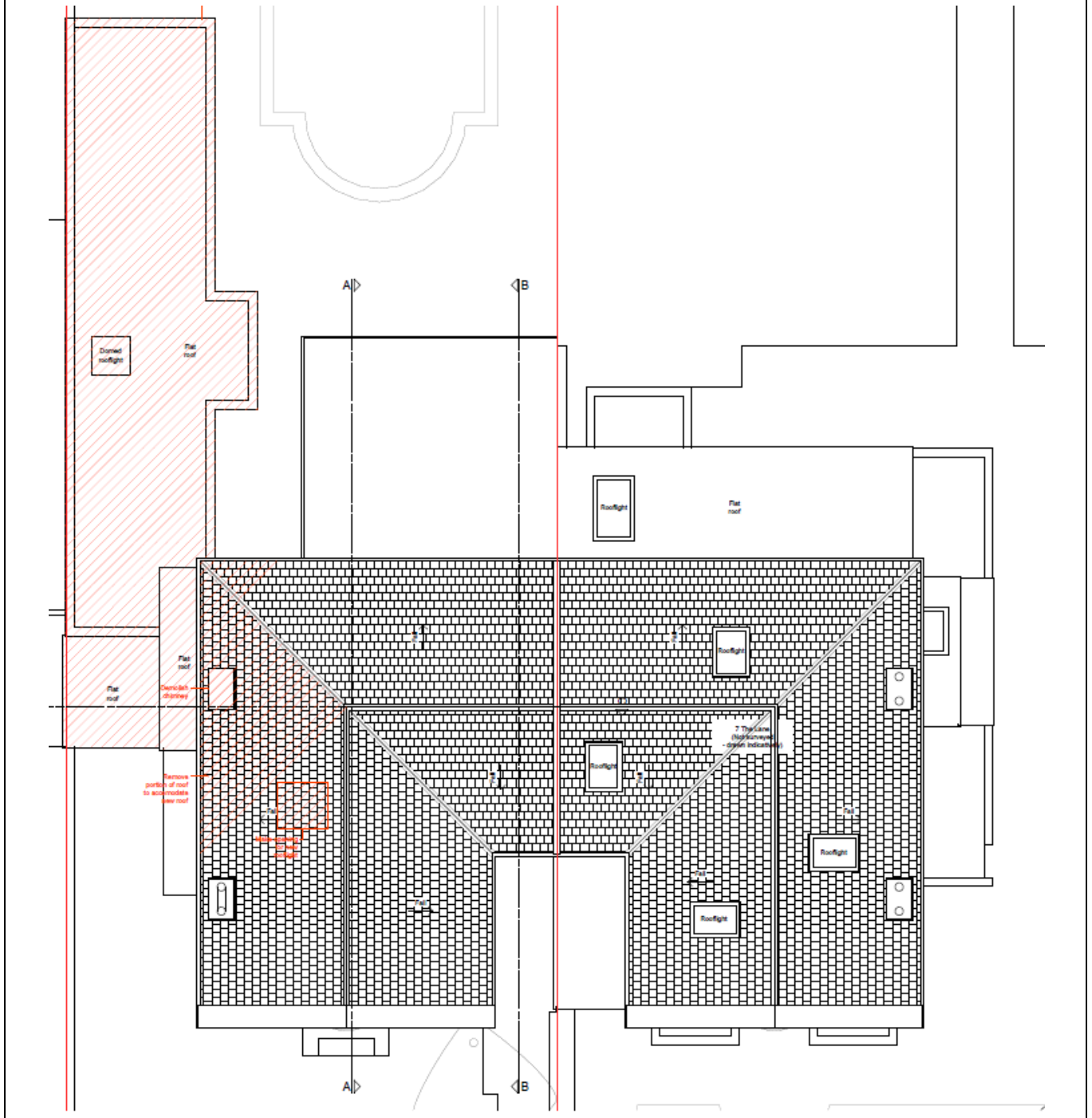




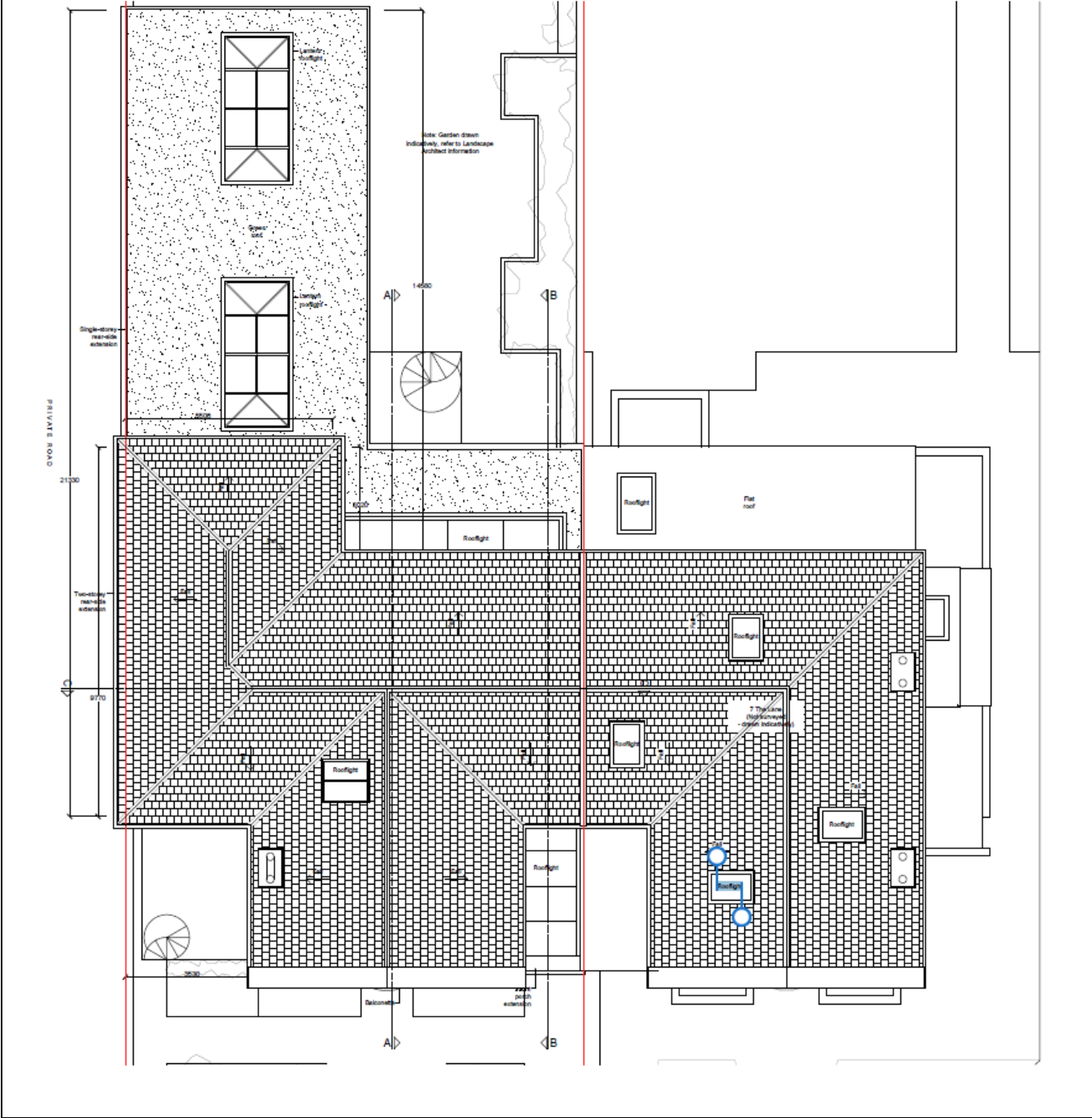
Proposed First Floor



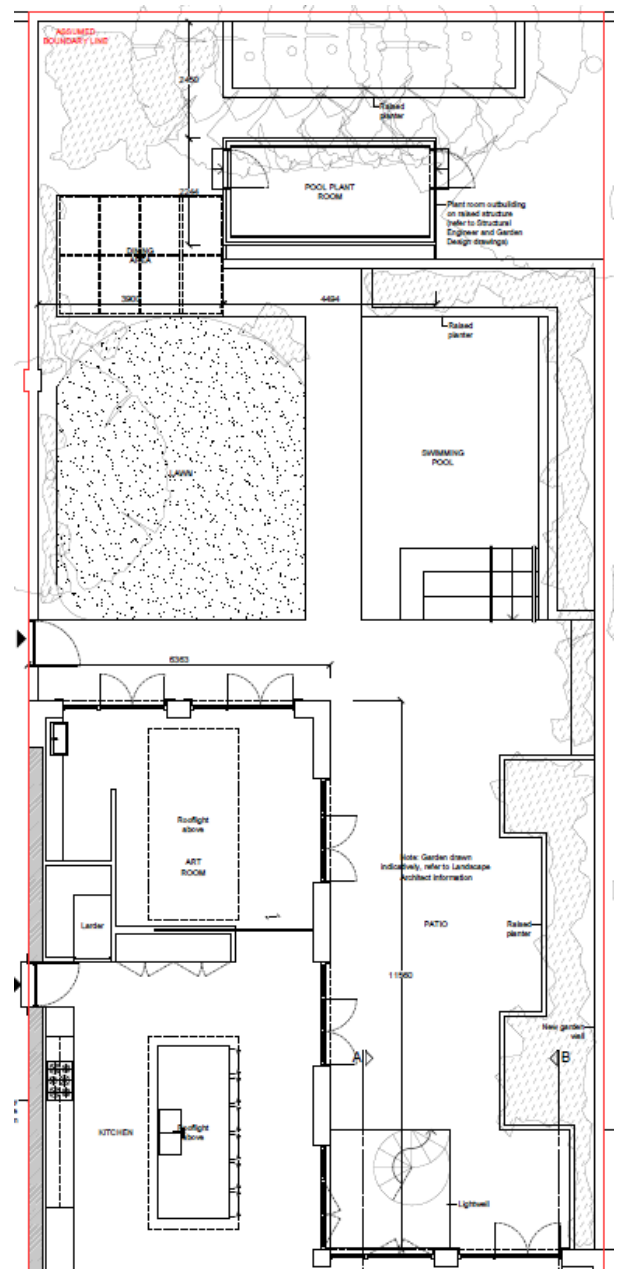
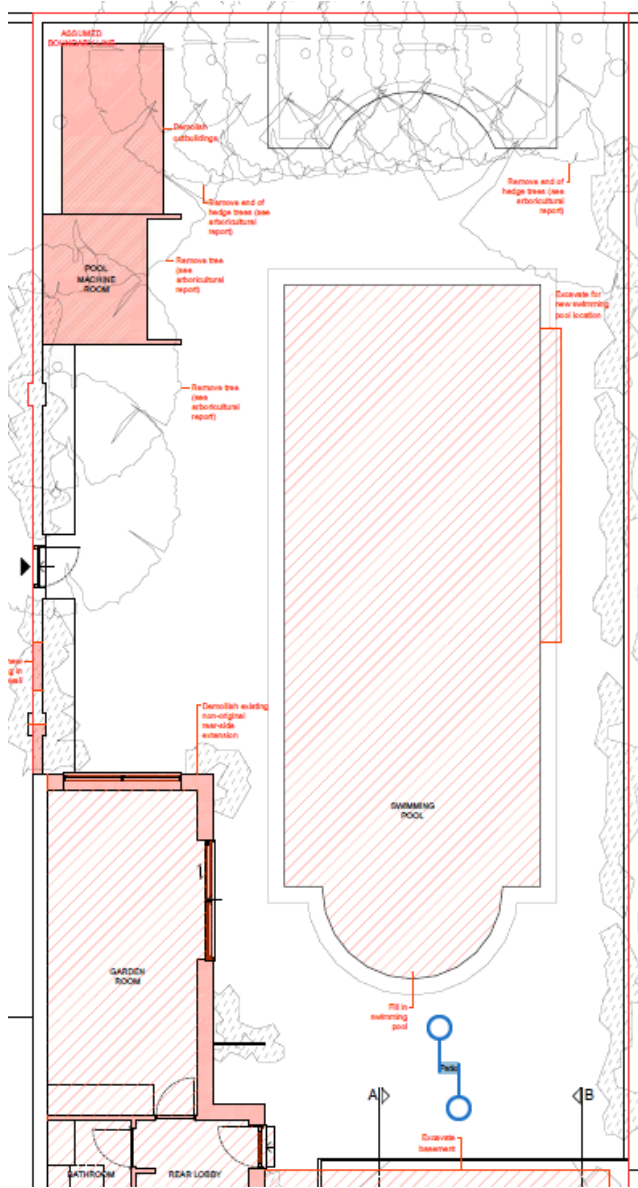
Existing Roof (shown in context with No. 7 The Lane)



Proposed Roof (shown in context with No. 7 The Lane)



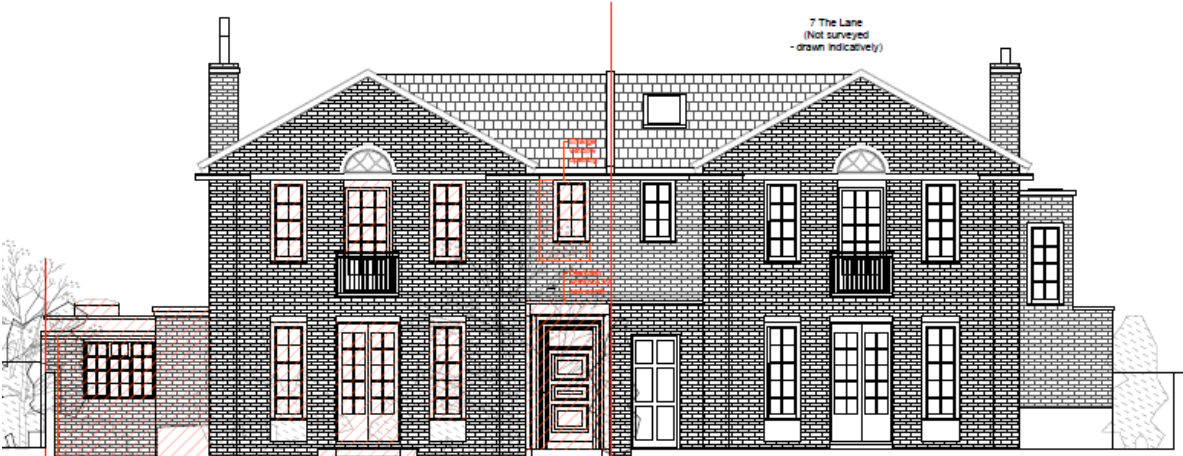
Existing and Proposed Garden Plan



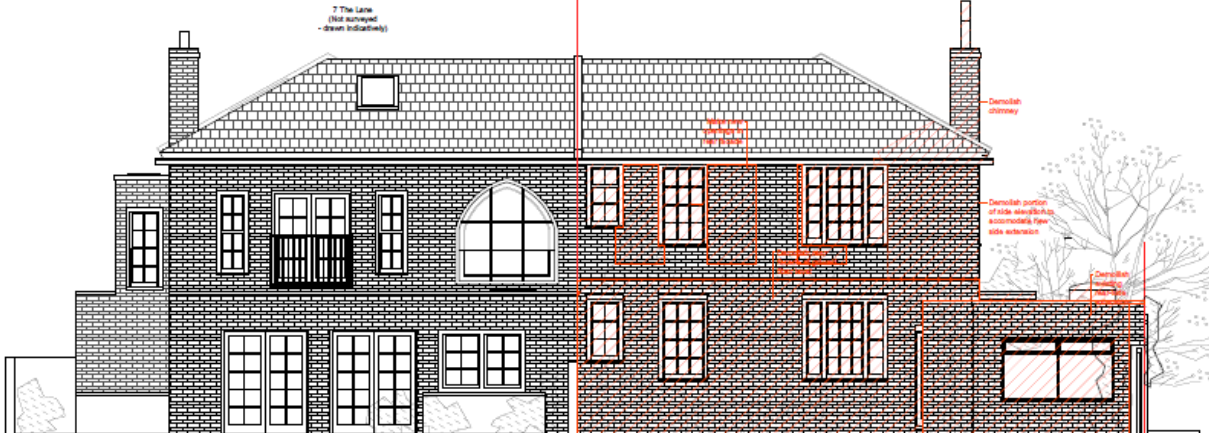
For Information Only – Axonometric CGI of proposals to show scheme in elevation



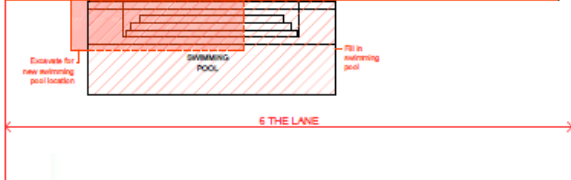
Existing Front and Rear Elevations



Front Elevation



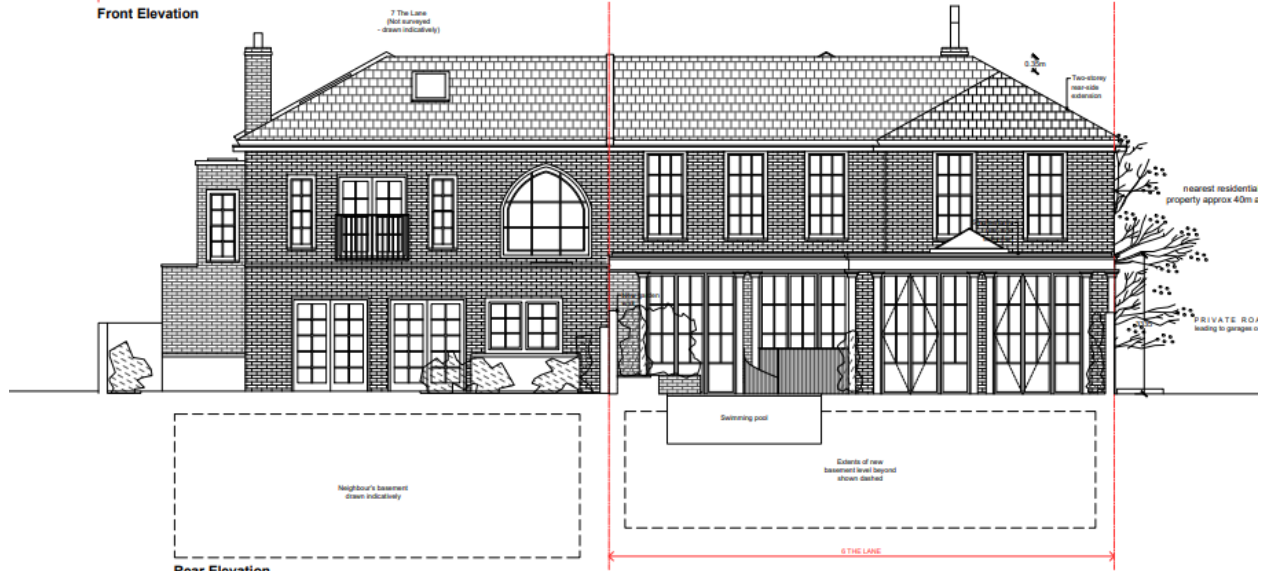
Rear Elevation



Proposed Front and Rear Elevations

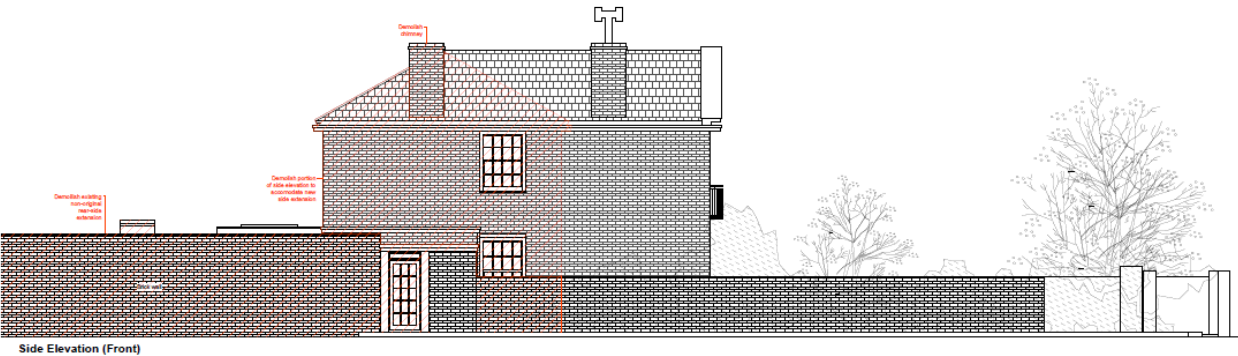


Front Elevation



Rear Elevation

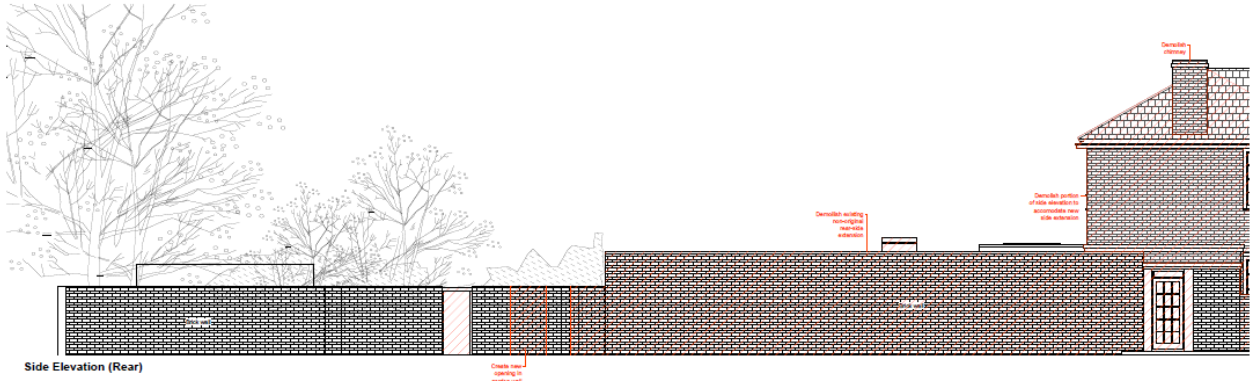
Existing Side Elevations (front of building)



Proposed Side Elevations (front of building)



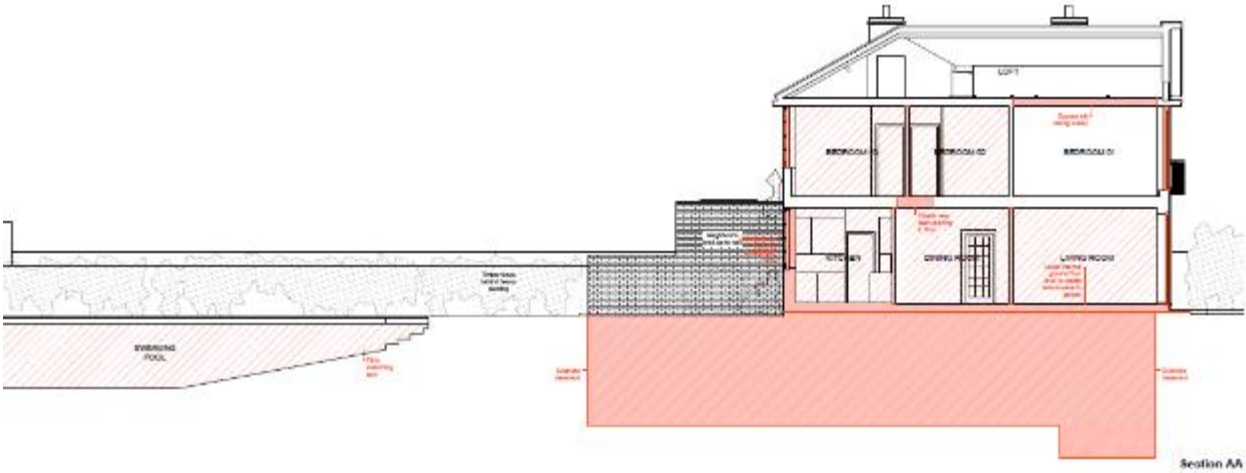
Existing Side Elevations (rear of site)



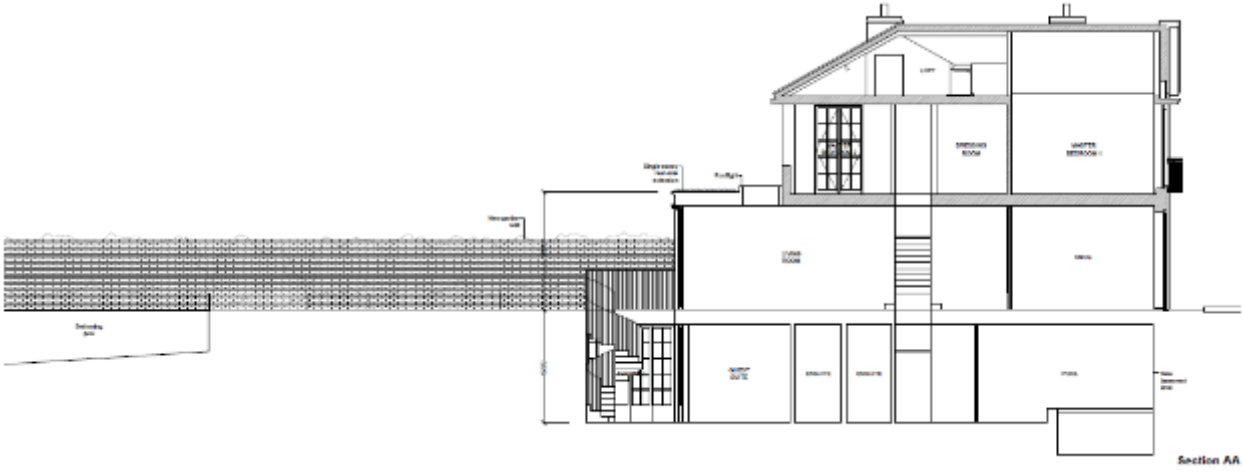
Proposed Side Elevations (rear of site)



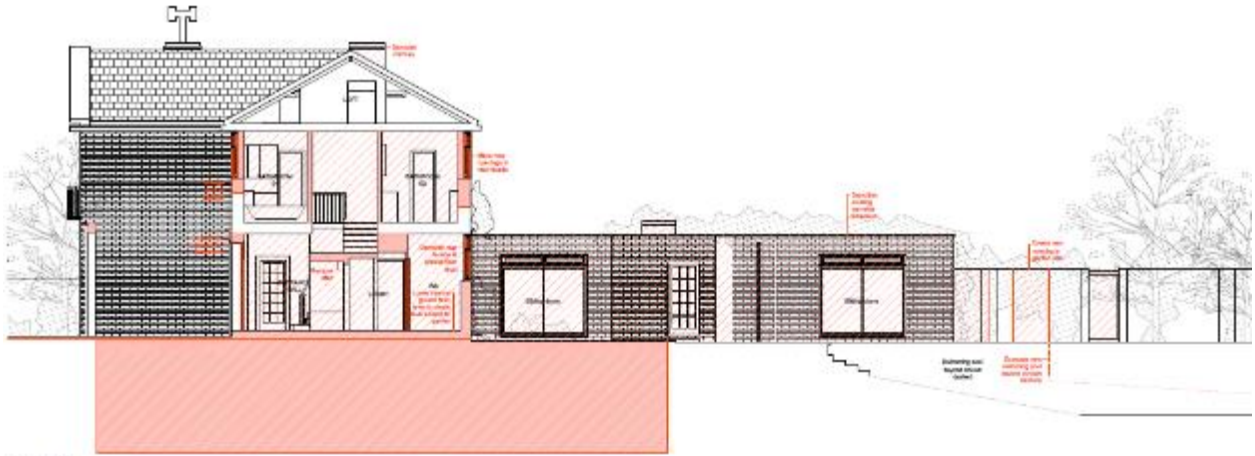
Existing Section AA



Proposed Section AA



Existing Section BB



Section BB

Proposed Section BB



Section BB

DRAFT DECISION LETTER

Address: 6 The Lane, London, NW8 0PN

Proposal: Demolition work, tree removal, construction of new part-one, part-two storey side and rear extension, the excavation of a basement, new front porch, new fenestration, new rooflights, internal renovation, the downsizing of an existing outdoor swimming pool, out building in rear garden, air source heat pump system in garden, new landscaping including new garden wall.

Reference: 22/03562/FULL

Plan Nos: PL-EX: 01B; 100B; 101B; 102B; 103B; 104B; 105B; 200B; 201B; 202; 300B; 301B; PL-P: 001B; 100B; 101B; 102B; 103B; 104B; 105B; 200B; 201B; 202; 300B; 301B.

For Info Only:

Structural Methodology Statement A updated 10 October 2022; Flood Risk & Sustainable Drainage Assessment A 10 October 2022; Design, Access & Heritage Statement dated May 2022; Sustainable Design Statement dated June 2022; Arboricultural Impact Assessment, Method Statement and Tree Protection Plan dated 24 Mat 2022; Appendix A

Case Officer: Kimberley Davies

Direct Tel. No. 020 7641
07866036948

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

- 5 **Pre Commencement Condition.** You must carry out a detailed site investigation to find out if the building or land are contaminated with dangerous material, to assess the contamination that is present, and to find out if it could affect human health or the environment. This site investigation must meet the water, ecology and general requirements outlined in 'Contaminated Land Guidance for Developers submitting planning applications' - produced by Westminster City Council in January 2018., , You must apply to us for approval of the following investigation reports. You must apply to us and receive our written approval for phases 1, 2 and 3 before any demolition or excavation work starts, and for phase 4 when the development has been completed but before it is occupied., , Phase 1: Desktop study - full site history and environmental information from the public records., , Phase 2: Site investigation - to assess the contamination and the possible effect it could have on human health, pollution and damage to property., , Phase 3: Remediation strategy - details of this, including maintenance and monitoring to protect human health and prevent pollution., , Phase 4: Validation report - summarises the action you have taken during the development and what action you will take in the future, if appropriate., (C18AA)

Reason:

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

- 6 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 5 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant including a proposed fixed noise level for written approval by the City Council. Your submission of a noise report must include: (a) A schedule of all plant and equipment that formed part of this application; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment; (c) Manufacturer specifications of sound emissions in octave or third octave detail; (d) The location of most affected noise sensitive receptor location and the most affected window of it; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (g) The lowest existing LA90 (15 minutes) measurement recorded under (f) above; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; (i) The proposed maximum noise level to be emitted by the plant and equipment. (C46BC)

Reason:

As set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the 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 ambient noise levels. Part (3) is

included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46BC)

- 7 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)

- 8 You must install the plant, in the locations proposed and within the plant room with the louvred enclosures, as listed within the Noise Impact Assessment 4731-R2 hereby approved.

Reason:

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 ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46BC)

- 9 **Pre Commencement Condition.** You must apply to us for approval of the ways in which you will protect the trees which you are keeping, as shown on drawings 6TL-PL-P-104 B and 6TL-PL-P-105 B. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved in writing what you have sent us. The tree protection must follow the recommendations in section 7 of British Standard BS5837: 2012. You must then carry out the work according to the approved details. (C31AC)

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31AD)

- 10 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the landscaping and planting within 1 year of completing the development (or within any other time limit we agree to in

writing)., , If you remove any trees that are part of the planting scheme that we approve, or find that they are dying, severely damaged or diseased within 5 years of planting them, you must replace them with trees of a similar size and species. (C30CC)

Reason:

To improve the appearance of the development and its contribution to biodiversity and the local environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R30AD)

- 11 You must apply to us for approval of details of any foundations within the root protection area (as defined by paragraph 5.2.2 of British Standard BS5837: 2012) of any retained tree, including the plant room foundations and any boundary wall foundations. You must not start work on these parts of the development until we have approved what you have sent us. You must then construct the foundations in accordance with the approved details.

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31AD)

- 12 You must apply to us for our approval of any planned alterations to the existing ground levels, including digging or piling up soil: , (a) underneath the canopy of any trees which are to be kept as shown on plans 6TL-PL-P-104 B and 6TL-PL-P-105 B or , (b) within the root protection area (as defined by paragraph 5.2.2 of British Standard BS 5837: 2012) and within five metres beyond it, as shown on plan 6TL-PL-P-104 B and 6TL-PL-P-105 B. , You must not start any work on alterations to the existing ground levels, including digging or piling up soil until we have approved in writing what you have sent us. The work must be carried out according to the approved details

Reason:

To make sure that the trees on the site are adequately protected during building works. This is as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31AD)

- 13 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the ^IN; to include construction method, layout, species and maintenance regime.

You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details and thereafter retain and maintain in accordance with the approved management plan. (C43GA)

Reason:

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

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

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 HIGHWAYS LICENSING:, Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please visit our website at www.westminster.gov.uk/guide-temporary-structures., , CONSIDERATE CONSTRUCTORS:, You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk., , BUILDING REGULATIONS:, You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at www.westminster.gov.uk/contact-us-building-control
- 3 You are advised 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/planning-building-and-environmental-regulations/building-control.
- 4 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 5 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.

- 6 With reference to condition 3 please refer to the Council's Code of Construction Practice at (www.westminster.gov.uk/code-construction-practice). You will be required to enter into an agreement with the Council appropriate to this scale of development and to pay the relevant fees prior to starting work. , , Your completed and signed Checklist A (for Level 1 and Level 2 developments) or B (for basements) and all relevant accompanying documents outlined in Checklist A or B, e.g. the full Site Environmental Management Plan (Levels 1 and 2) or Construction Management Plan (basements), must be submitted to the City Council's Environmental Inspectorate (cocp@westminster.gov.uk) **at least 40 days prior to commencement of works** (which may include some pre-commencement works and demolition). The checklist must be countersigned by them before you apply to the local planning authority to discharge the above condition. , , You are urged to give this your early attention as the relevant stages of demolition, earthworks/piling or construction cannot take place until the City Council as local planning authority has issued its written approval of each of the relevant parts, prior to each stage of commencement., , Where you change your plans after we have discharged the condition, you must re-apply and submit new details for consideration before you start work. Please note that where separate contractors are appointed for different phases of the project, you may apply to partially discharge the condition by clearly stating in your submission which phase of the works (i.e. (a) demolition, (b) excavation or (c) construction or a combination of these) the details relate to. However please note that the entire fee payable to the Environmental Inspectorate team must be paid on submission of the details relating to the relevant phase., , Appendix A must be signed and countersigned by the Environmental Inspectorate prior to the submission of the approval of details of the above condition.
- 7 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.
- 8 Conditions control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 9 When you apply to us for approval of details of a) tree protection and b) foundations, you must ensure that the submitted tree protection methods are in accordance with the proposed foundation designs.

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

Agenda Item 6

Item No.

6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 24 January 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved Maida Vale	
Subject of Report	Flat 44, Ashworth Mansions, Elgin Avenue, London, W9 1JP		
Proposal	Replacement of sash windows with new timber double glazed sash windows.		
Agent	Ms Helen Cooke		
On behalf of	Ms Helen Cooke		
Registered Number	22/07511/FULL	Date amended/ completed	12 December 2022
Date Application Received	5 November 2022		
Historic Building Grade	Unlisted		
Conservation Area	Maida Vale		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

Grant conditional planning permission

2. SUMMARY & KEY CONSIDERATIONS

The application relates to a second floor flat within a block of flats at Ashworth Mansions on the northwest side of Elgin Avenue. The building is not listed but is located within the Maida Vale Conservation Area.

Planning permission sought for the replacement of the existing windows of the flat in the corner elevation with double glazed timber framed sash windows.

The key considerations in this case are:

- The impact of the proposal on the character and appearance of the Maida Vale Conservation
- The acceptability of the energy performance of the proposed development.

This application is reported to the planning sub-committee as the applicant is an elected Councillor.

For the reasons as set out in the report, the proposed replacement windows are considered to accord with the design policies in the of the City Plan 2019-2040 (adopted April 2021). The application is therefore recommended for approval, subject to the conditions set out in the draft decision letter appended to this report.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Front Elevation; Flat 44 is at 2nd Floor with the windows on the corner.

5. CONSULTATIONS

5.1 Application Consultations

PADDINGTON WATERWAYS & MAIDA VALE SOCIETY
Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 18
Total No. of replies: 0
No. of objections: 0
No. in support: 0

PRESS NOTICE/ SITE NOTICE:
Yes

5.2 Applicant's Pre-Application Community Engagement

No pre-application community engagement was carried out for this proposal.

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 relates to a single flat within an unlisted building of merit within the Maida Vale Conservation Area. The building is a typical mansion block for the area, and dates to around the early 20th century and is built of brick with regularly spaced, uniform windows. Uniformity is an important component of the building's appearance and positive contribution towards the character and appearance of the building. The existing windows are painted timber sashes and are likely to be original to the building.

7.2 Recent Relevant History

There is no planning history relating to 44 Ashworth Mansions.

8. THE PROPOSAL

The application proposes to replace four windows in the corner bay, facing Elgin Avenue and Biddulph Road with new double-glazed painted timber sash windows. The windows are to match in terms of window frames and detailing.

9. DETAILED CONSIDERATIONS

9.1 Land Use

The replacement of windows to this residential property is in line with Policy 8 of City Plan 2019-2040 (April 2021).

9.2 Environment & Sustainability

Sustainable Design

The replacement windows are to be timber and heritage double glazed. Timber is a sustainable material, and the double glazing provides energy efficiency. Accordingly, the proposals are considered to be acceptable in sustainability terms.

It is considered that the proposals are in accordance with City Plan Policy 38D in relation to sustainable design and the City Council's Environmental SPD.

9.3 Biodiversity & Greening

The proposal is not of a scale or nature to require the provision of biodiversity or greening measures.

9.4 Townscape, Design & Heritage Impact

The building is not listed but is located within the Maida Vale Conservation Area. There

are no listed buildings near the application property.

Legislative & Policy Context

The key legislative requirements in respect to designated heritage assets are 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.

Detailed Design and Impact on Heritage Assets

The proposed replacement windows are to be double glazed sash windows in timber frames. They are considered to match the existing in terms of their detailed design. A condition is recommended requiring the replacement windows to be vertically sliding sash windows with details to match existing and painted to match the colour of existing adjacent windows at the rear of the building and any *trickle vents should be concealed*. Subject to this condition, it is considered that the proposal is acceptable in design terms, and the application is in accordance with policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021).

The proposal is considered to accord with the identified policies and will preserve the character and appearance of the conservation area. In making this recommendation consideration has been had to the statutory duties imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990, notably Section 72 and the requirements set out in Chapters 12 and 16 of the NPPF.

9.5 Residential Amenity

The proposal is for the replacement of existing windows and do not have an impact on neighbouring amenity.

9.6 Transportation, Accessibility & Servicing

There are no transportation or parking issues raised by this development.

9.7 Economy including Employment & Skills

No economic considerations are applicable for a development of this size

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.

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 requires the City Council to obtain the applicant's written agreement before imposing pre-commencement conditions (i.e. conditions which must be discharged before works can start on site) on a planning permission. Pre-commencement conditions can only be imposed without the written agreement of the applicant where the applicant fails to provide a substantive response within a 10-day period following notification by the Council of the proposed condition, the reason and justification for the condition.

No pre-commencement conditions have been recommended.

10. Conclusion

As such, the proposal is considered acceptable, mindful of policies 38, 39 and 40 of the City Plan 2019 - 2040 and therefore, a recommendation to grant conditional permission consent would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

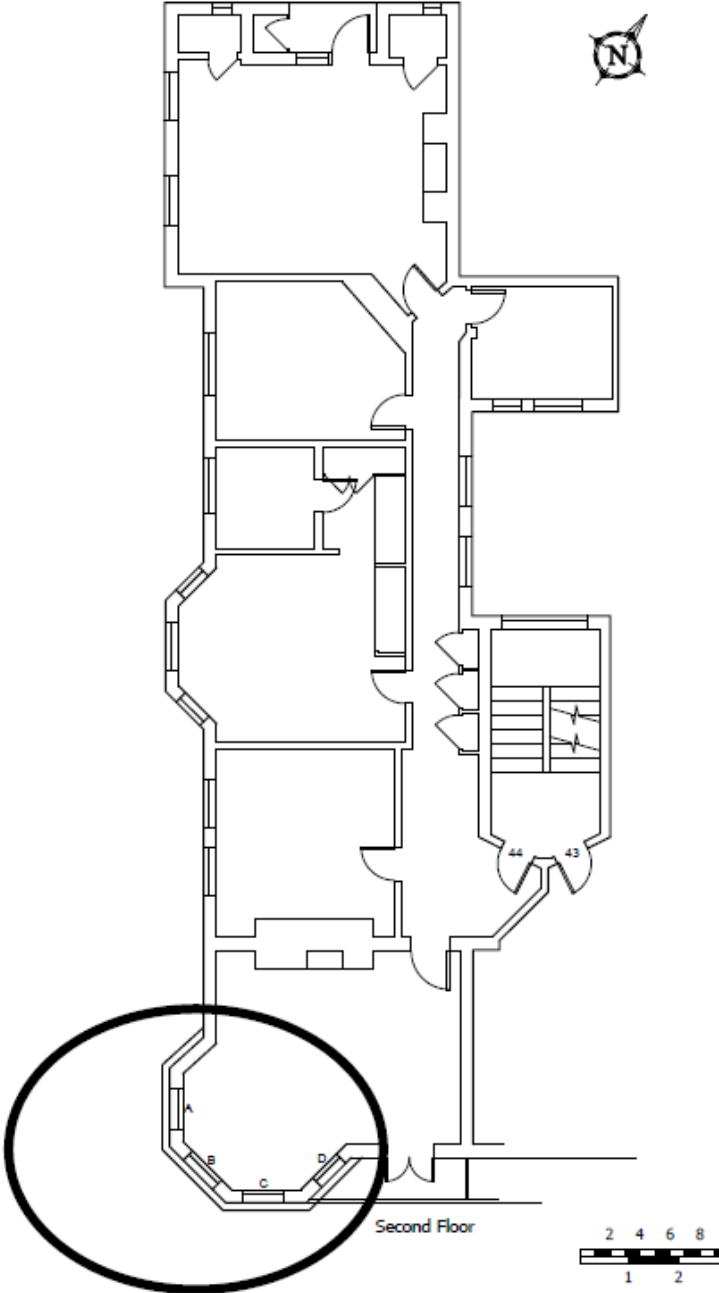
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: KIMBERLEY DAVIES BY EMAIL AT kdavies1@westminster.gov.uk

11. KEY DRAWINGS

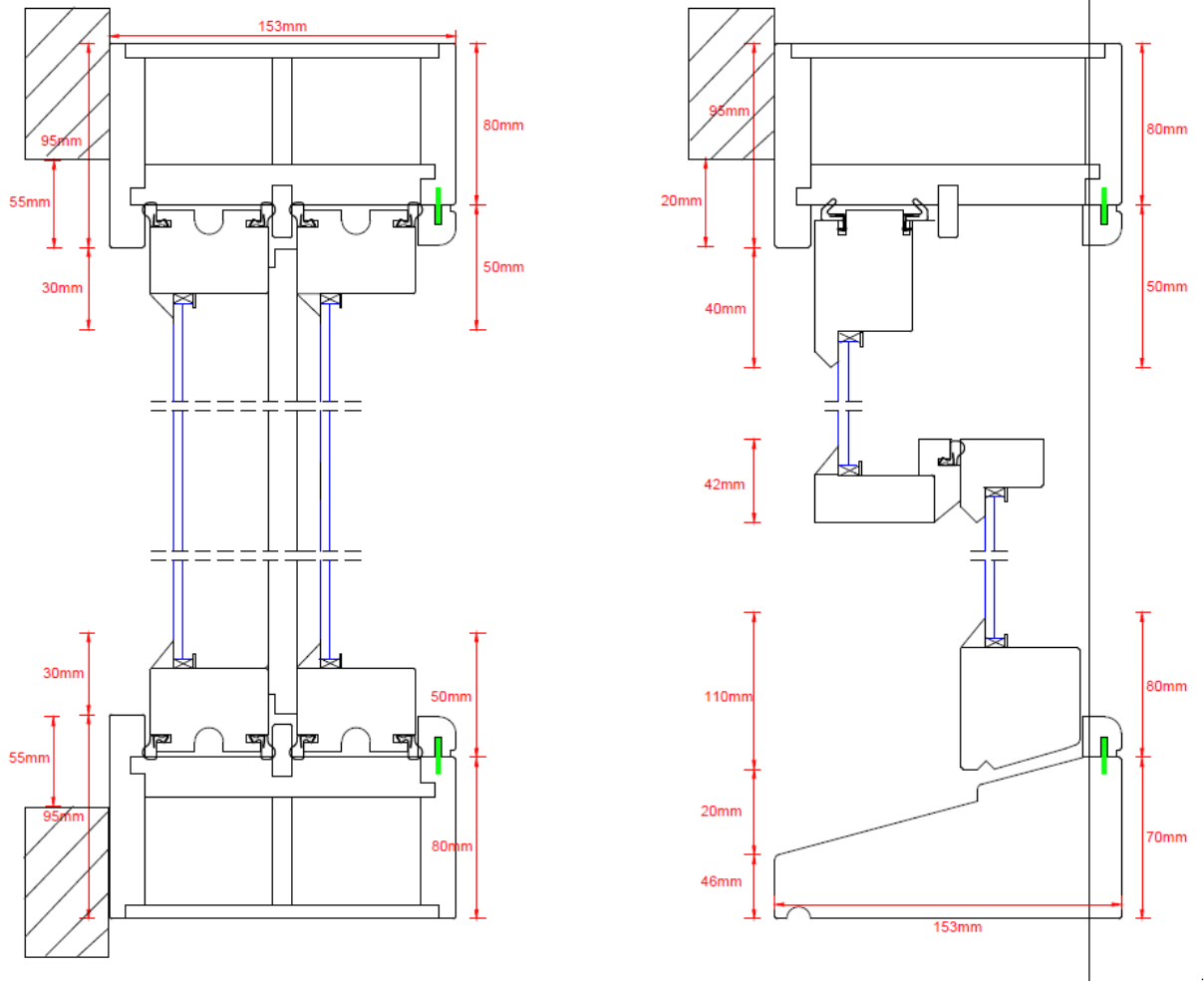


Second Floor Plan indicating which windows proposed to be replaced



Window Section drawings

Existing Window Sections



DRAFT DECISION LETTER

Address: Flat 44, Ashworth Mansions, Elgin Avenue, London, W9 1JP

Proposal: Replacement sash windows with double glazed.

Reference: 22/07511/FULL

Plan Nos: Site Location Plan; Drawing entitled "Existing/Proposed" Rev 0; Existing Window Sections; Design and Access Statement;

Case Officer: Avani Raven

Direct Tel. No. 020 7641
07866037313

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

Reason:

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

- 4 The new double glazed timber sash windows hereby approved must be vertically sliding sash windows with details to match existing and painted to match the colour of existing adjacent windows at the rear of the building. Any trickle vents must be concealed.

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

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.
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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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