



City of Westminster

Committee Agenda

Title: **Planning Applications Sub-Committee (1)**

Meeting Date: **Tuesday 21st February, 2023**

Time: **6.30 pm**

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

Members: **Councillors:**

Jason Williams (Chair)
Md Shamsed Chowdhury
Jim Glen
Sara Hassan



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

Committee members will attend the meeting in person at Westminster City Hall. The Committee will be a hybrid Meeting and will be live broadcast via Microsoft Teams. Admission to the public gallery is by a pass, issued from the ground floor reception from 6.00pm.

If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



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

**Tel: 07870 548348; Email: gwills@westminster.gov.uk
Corporate Website: www.westminster.gov.uk**

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note any changes to the membership.

2. DECLARATIONS OF INTEREST

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

3. MINUTES

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

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

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

To register to speak and for guidance please visit:

<https://www.westminster.gov.uk/planning-committee>

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

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

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>

(Pages 5 - 8)

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

- | | | |
|----|--|--------------------------|
| 1. | 2-6 STANHOPE ROW, 16 STANHOPE ROW, 36 & 37 HERTFORD STREET, 16A, 16B AND 17 MARKET MEWS, LONDON | (Pages 13 - 76) |
| 2. | 4 QUEEN ANNE STREET, LONDON, W1G 9LQ | (Pages 77 - 100) |
| 3. | 30-32 BRUTON PLACE, LONDON, W1J 6NL | (Pages 101 - 124) |
| 4. | 47 GREAT CUMBERLAND PLACE, LONDON, W1H 7TQ | (Pages 125 - 172) |
| 5. | 27 UPPER BERKELEY STREET, LONDON, W1H 7QN | (Pages 173 - 196) |
| 6. | THE COLONNADES, 34 PORCHESTER SQUARE, LONDON, W2 6AP | (Pages 197 - 216) |

Stuart Love
Chief Executive
13 February 2023

Order of Business

At Planning Applications 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 (1)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (1)** held on **Tuesday 17th January, 2023**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

Members Present: Councillors Jason Williams (Chair), Sara Hassan, Md Shamsed Chowdhury and Jim Glen

1 MEMBERSHIP

1.1 There were no changes to the membership.

2 DECLARATIONS OF INTEREST

2.1 Councillor Williams 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.

3 MINUTES

3.1 RESOLVED:

That the minutes of the meetings held on 29 November 2022 and 20 December 2022 be signed by the Chair as a correct record of proceedings.

4 PLANNING APPLICATIONS

1 DEVELOPMENT SITE AT 3 TO 11 LANCELOT PLACE, LONDON

Variation of conditions 1, 4, 5 and 15 of planning permission dated 20th February 2020 (RN: 19/01596/FULL) for the Redevelopment of Nos. 3- 11 Lancelot Place to provide five single family dwellinghouses (Class C3) comprising two basement levels plus sub-basement plant room, ground, first, second and third floor levels. NAMELY, to allow alterations to the design and materials of the facades, including alterations to windows/ privacy strategy and installation of new awnings; to allow the relocation sub-basement level and; to allow the submission of details.

The planning officer tabled the following amendments to the recommendation and conditions:

Amendment to Recommendation

Amend recommendation to read:

*Grant conditional permission, **subject to a deed of variation to the original S.106 legal agreement dated 20 February 2020 to secure the following additional obligations:***

*1.) **Update the legal agreement to reflect this new permission.***

The original permission was subject to a legal agreement, and the words in bold are added to ensure this agreement was updated to reflect the new permission.

Amendment to Condition 15

Amend condition 15 to read:

A. You must carry out the development using the Vanceva Artic Snow glazing, in accordance with the sample hereby approved, in the locations as stated on the approved elevations (rear windows at first floor level and above), or in accordance with other details as submitted to and approved by the City Council, and then you must not change it without our permission.

*B. You must apply to us for approval of detailed drawings showing a mechanism / device to prevent the openable parts of the rear windows at first floor level and above from fully opening. You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings, **and then you must not change it without our permission.***

The condition was amended to include the words highlighted in bold. This was to ensure that the mechanism that was approved was maintained as approved, unless agreed otherwise.

Matt Richards addressed the Sub-Committee in support of the application.

RESOLVED UNANIMOUSLY:

That conditional permission, as amended, be granted subject to a deed of variation to the original S.106 legal agreement dated 20 February 2020 to secure the following additional obligation:

1) Update the legal agreement to reflect the new permission.

2 22 NORTHUMBERLAND PLACE, LONDON, W2 5BS

Erection of extensions at lower ground and ground floor levels with terrace at rear ground floor level.

An additional representation was received from a local resident (12.01.23).

Late representations were received from two local residents (16.01.23 and 17.01.23) and the appeal decision from 22 Courtnell Street (13.05.21) was tabled.

The planning officer tabled the following proposed changes to the draft decision notice:

Additional conditions:-

Condition 9:- The glass that you put in the ground floor window in the rear elevation of the closet wing must not be clear glass. You must apply to us for approval of a sample of the glass (at least 300mm square) and details of how the window will be restricted from opening fully. You must not start work on the relevant part of the development until we have given our written approval for the sample. You must then install the type of glass we have approved and the restricted opening mechanism and must not change it without our permission.

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

Condition 10:- You must apply to us for approval of details of the privacy screen and planting for the ground floor rear terrace. You must not start work on the relevant part of the development until we have given our written approval. You must then install the approved details before the terrace is used and thereafter maintain the privacy screen and planting.

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

Peter Robinson addressed the Sub-Committee in support of the application.

Emma Salter addressed the Sub-Committee in objection to the application.

RESOLVED UNANIMOUSLY:

That conditional permission, as amended, be granted.

3 5 GLOUCESTER MEWS WEST, LONDON, W2 6DY

Erection of roof extension, infill extension to rear at first floor level and associated external alterations.

The planning officer tabled the appeal decision relating to 1-4 Gloucester Mews (12.04.19).

RESOLVED UNANIMOUSLY:

That conditional permission be granted subject to condition 9 being amended to require that obscured glass be installed in the rear bathroom windows only in the new roof extension.

The Meeting ended at 7.58 pm

CHAIRMAN: _____

DATE _____

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 21 February 2023
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant
1.	RN(s): 22/05759/FULL & 22/05744/LBC West End	2-6 Stanhope Row; 16 Stanhope Row 36 And 37 Hertford Street 16a, 16B And 17 Market Mews	Demolition and replacement of existing fifth floor, demolition of existing plant room, and erection of a single storey roof extension at sixth floor to 2-6 Stanhope Row with replacement windows, terraces at fifth and sixth floors and remodelling works; demolition of 16 Stanhope Row, 16a, 16b and 17 Market Mews, excavation at basement level and erection of a four-storey (plus part basement floor) replacement building, all to provide an 82-bedroom hotel (Class C1). Demolition of 37 Hertford Street and erection of replacement building (basement to fourth floor plus mansard roof); and Internal and external alterations to 36 Hertford Street including demolition and remodelling of existing mansard roof, with new roof level plant enclosure; together with excavation at basement level to 36 and 37 Hertford Street to lower existing basement slab level; all to provide 16 residential dwellings (Class C3) along with provision for cycle parking, terraces, refuse storage and rooftop plant, together with other associated works.	BCC Pine Bidco Ltd
<p>Recommendation</p> <p>1. Grant conditional permission, subject to a S106 legal agreement to secure the following planning obligations:</p> <p>a) The residential flats on Hertford Street to be provided prior to the occupation of the reconfigured hotel accommodation;</p> <p>b) All highway works immediately surrounding the site required for the development to occur prior to occupation of the development, including reinstatement of redundant crossovers on Stanhope Row. All of the above to the Council's specification, at full cost (administrative, legal and physical) of the developer;</p> <p>c) Be seen energy monitoring;</p> <p>d) The costs of monitoring the S106 agreement.</p> <p>2. If the S106 legal agreement has not been completed within six weeks of the Committee resolution then:</p> <p>a) The Director of Town Planning & Building Control shall consider whether the permission can be issued with additional condition to secure the benefits listed above. If this is possible and appropriate, the Executive Director for Growth, Planning and Housing is authorised to determine and issue such a decision under delegated powers;</p> <p>b) The Director Town Planning & Building Control shall consider whether permission be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and the proposal is unacceptable in the absence of the benefits that would have been secured; if so, the Executive Director for Growth, Planning and Housing is authorised to determine the application and agree appropriate reason for refusal under Delegated Powers.</p> <p>3. Grant conditional listed building consent,</p> <p>4. Agree the reasons for granting conditional listed building consent as set out in informative on the draft listed building consent decision letter.</p>				
Item No	References	Site Address	Proposal	Applicant

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 21 February 2023
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

2.	RN(s): 20/05462/FULL & 20/05463/LBC Marylebone	4 Queen Anne Street London W1G 9LQ	Installation of replacement air conditioning unit within acoustic enclosure and replacement of window panels.	Bass Orthadontics Limited.
Recommendation 1. Grant conditional permission. 2. Grant conditional listed building consent. 3. Agree the reasons for granting conditional listed building consent as set out in Informative 1 on the draft decision letter.				
Item No	References	Site Address	Proposal	Applicant
3.	RN(s): 22/06655/FULL West End	30-32 Bruton Place London W1J 6NL	Use of 32 Bruton Place as a drinking establishment with expanded food provision (sui generis) to form extension to existing Guinea Grill at 30 Bruton Place, alterations to shopfront, replacement upper floor windows and rationalisation of plant on roof of No. 30 and 32.	Young & Co's Brewery PLC
Recommendation Grant conditional permission.				
Item No	References	Site Address	Proposal	Applicant
4.	RN(s): 22/04335/FULL & 22/04336/LBC Marylebone	47 Great Cumberlan d Place London W1H 7TQ	Internal and external works, including partial infill extension of inner lightwell at lower ground, ground, first and second floors; rear second floor extension, terrace at rear fourth floor, and a mansard roof extension to the rear mews building, removal of a lift, various modern additions, and reinstatement of hallway. Installation of 2 mechanical plant units at lower ground floor and 5 at rear third floor. Use of the building as seven residential apartments.	Alarg Limited
Recommendation 1. Grant conditional planning permission. 2. Grant conditional listed building consent. 2. Agree the reasons for granting conditional listed building consent as set out in informative on the draft listed building consent decision letter.				
Item No	References	Site Address	Proposal	Applicant
5.	RN(s): 22/07524/FULL & 22/07525/LBC Marylebone	27 Upper Berkeley Street London W1H 7QN	Use of part basement, part ground and first to fourth floor as four residential flats (Class C3) . External alterations including the creation of a roof terrace enclosed with railings with a perimeter living roof, installation of replacement windows, installation of stair to front lightwell and internal alterations at all levels	Obbard Ltd.
Recommendation 1. Grant conditional permission. 2. Grant conditional listed building consent. 3. Agree the reasons for granting conditional listed building consent as set out in informative on the draft listed building consent decision letter.				
Item No	References	Site Address	Proposal	Applicant

CITY OF WESTMINSTER
 PLANNING APPLICATIONS SUB COMMITTEE – 21 February 2023
 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

6.	RN(s): 22/07920/ADFUL L Bayswater	The Colonnades 34 Porchester Square London W2 6AP	Details of plan indicating a clear and unobstructed route for pedestrians of The Colonnades to access the residential waste and recyclable storage within the service yard of The Colonnades pursuant to condition 32 of planning permission dated 6 October 2022 (RN: 21/04074/FULL).	TR Property Investment Trust
Recommendation Approve details.				

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Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 21 February 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved West End	
Subject of Report	2-6 Stanhope Row; 16 Stanhope Row, 36 And 37 Hertford Street, 16a, 16B And 17 Market Mews		
Proposal	Demolition and replacement of existing fifth floor, demolition of existing plant room, and erection of a single storey roof extension at sixth floor to 2-6 Stanhope Row with replacement windows, terraces at fifth and sixth floors and remodelling works; demolition of 16 Stanhope Row, 16a, 16b and 17 Market Mews, excavation at basement level and erection of a four-storey (plus part basement floor) replacement building, all to provide an 82-bedroom hotel (Class C1). Demolition of 37 Hertford Street and erection of replacement building (basement to fourth floor plus mansard roof); and Internal and external alterations to 36 Hertford Street including demolition and remodelling of existing mansard roof, with new roof level plant enclosure; together with excavation at basement level to 36 and 37 Hertford Street to lower existing basement slab level; all to provide 16 residential dwellings (Class C3) along with provision for cycle parking, terraces, refuse storage and rooftop plant, together with other associated works.		
Agent	DP9		
On behalf of	BCC Pine Bidco Ltd		
Registered Number	22/05759/FULL 22/05744/LBC	Date amended/ completed	8 September 2022
Date Application Received	22 August 2022		
Historic Building Grade	II (36 Hertford Street)		
Conservation Area	Mayfair		
Neighbourhood Plan	Mayfair Neighbourhood Plan		

1. RECOMMENDATION

1. Grant conditional permission, subject to a S106 legal agreement to secure the following planning obligations:

- a) The residential flats on Hertford Street to be provided prior to the occupation of the reconfigured

- hotel accommodation;
- b) All highway works immediately surrounding the site required for the development to occur prior to occupation of the development, including reinstatement of redundant crossovers on Stanhope Row. All of the above to the Council's specification, at full cost (administrative, legal and physical) of the developer;
 - c) Be seen energy monitoring;
 - d) The costs of monitoring the S106 agreement.
2. If the S106 legal agreement has not been completed within six weeks of the Committee resolution then:
- a) The Director of Town Planning & Building Control shall consider whether the permission can be issued with additional condition to secure the benefits listed above. If this is possible and appropriate, the Executive Director for Growth, Planning and Housing is authorised to determine and issue such a decision under delegated powers;
 - b) The Director Town Planning & Building Control shall consider whether permission be refused on the grounds that it has not proved possible to complete an agreement within an appropriate timescale, and the proposal is unacceptable in the absence of the benefits that would have been secured; if so, the Executive Director for Growth, Planning and Housing is authorised to determine the application and agree appropriate reason for refusal under Delegated Powers.
3. Grant conditional listed building consent,
4. Agree the reasons for granting conditional listed building consent as set out in informative on the draft listed building consent decision letter.

2. SUMMARY & KEY CONSIDERATIONS

The application site comprises five properties within the Mayfair Conservation Area including the Park Lane Mews Hotel at 2-6 Stanhope Row and 16a, 16b and 17 Market Mews, 16 Stanhope Row and 36 and 37 Hertford Street which are in residential use. The application involves the comprehensive refurbishment and extension of Park Lane Mews Hotel to create an 82-room boutique hotel and the refurbishment and reconfiguration of 36 and 37 Hertford Street to create 16 residential apartments.

The proposals involve demolition of 16a, 16b and 17 Market Mews and 37 Hertford Street together with the demolition of the top floors of the hotel to enable two new floors (levels 5 and 6) above the retained lower levels. A new plant area is proposed at roof level which has been designed to be sunk into the top floor of the hotel. The ground floor layout will comprise a new publicly accessible restaurant, café and hotel lobby.

The existing Market Mews building will be replaced with a four-storey building (three levels plus a new mansard roof) and will provide 15 of the hotel bedrooms for the hotel.

The existing site contains 17 residential units, with four units within the Market Mews block, seven units in 36 Hertford Street and six units in 37 Hertford Street. The proposed development will re-provide three of the four existing residential flats from Market Mews within the rebuilt 37 Hertford

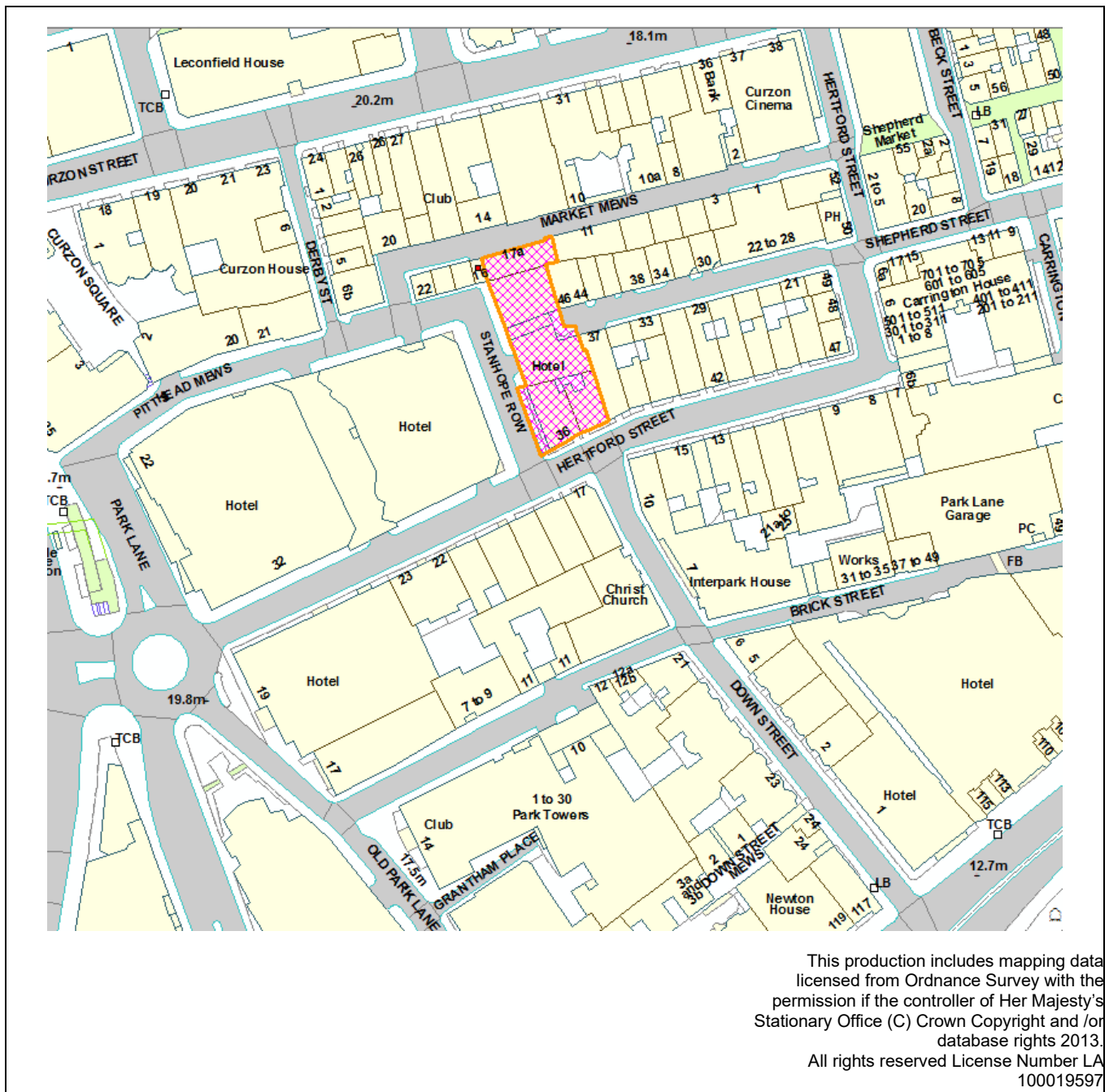
Street which will have five storeys comprised of four levels plus a mansard roof. An additional floor and rear extension is proposed at the refurbished 36 Hertford Street. This will result in the overall reprovision of 16 apartments.

The key considerations in this case are:

- The principle of the demolition of the existing buildings and the acceptability of the energy performance of the proposed building.
- The acceptability of the proposed residential accommodation in terms of its size, quality and mix
- The acceptability of the proposed buildings in design terms.
- The impact of the proposed buildings on the character and appearance of the Mayfair Conservation Area and the setting of other nearby designated heritage assets.
- The impact on the amenity of neighbouring residential properties.

This report explains the proposed development/ works would be consistent with relevant development plan policies in the Westminster's City Plan 2019-2040 (April 2021) and the London Plan (March 2021). There would be less than substantial harm to heritage assets, but this harm is outweighed by public benefits. As such, the proposals are considered acceptable in heritage, townscape, design, land use, amenity, environmental and highway terms and the application is recommended for approval.

3. LOCATION PLAN



4. PHOTOGRAPHS

Park Lane Mews hotel



36 Hertford Street



16-17 Market Mews



38 Hertford Street



16 Stanhope Row



5. CONSULTATIONS

5.1 Application Consultations

HISTORIC ENGLAND (LISTED BUILDS/CON AREAS)

Grant authorisation to determine the listed building consent.

HISTORIC ENGLAND (ARCHAEOLOGY)

No objections raised.

HEALTH AND SAFETY EXECUTIVE

The proposals do not relate to a 'relevant' building.

RESIDENTS SOCIETY OF MAYFAIR & ST. JAMES'S

No response to date

MAYFAIR RESIDENTS GROUP

No response to date.

MAYFAIR NEIGHBOURHOOD FORUM

Requests a briefing from the applicant's team as to the background, rationale, design and proposed implementation of the proposals.

METROPOLITAN POLICE

No objections raised.

HIGHWAYS PLANNING TEAM

No objections raised.

ENVIRONMENTAL HEALTH

No objections raised.

BUILDING CONTROL

No objections raised.

WASTE PROJECT OFFICER

No objections raised.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 113

Total No. of replies: 4

No. of objections: 4

No. in support: 0

4 letters of objection received (including one on behalf of all the homeowners of 44,42,40,38,36,34 and 31 Shepherd Street) raising the following concerns:

* object to any increase in height;

* size and scale of the proposed development is out of proportion within the locality;

- * loss of light and sunlight;
- * overlooking and loss of outlook;
- * object to any potential roof top terrace or roof top bar.
- * out of character with the Mayfair Conservation Area and harmful to the setting and curtilage of Listed buildings;
- * 37 Hertford Street should be refurbished rather than demolished and rebuilt;
- * pressure on parking;
- * noise, pollution and disturbance during construction;
- * noise nuisance and pollution from plant and machinery.

PRESS NOTICE/ SITE NOTICE:

Yes

Responses to second round of consultation to revised scheme

ADJOINING OWNERS/OCCUPIERS

No. Consulted: 114;

Total No. of replies: 2

Two letters of objection received (one on behalf of two other neighbouring properties) raising the following concerns:

- * the amendments fail to address issues raised by objectors;
- * additional height is unacceptable;
- * loss of light
- * loss of light and privacy to terrace areas;

5.2 Applicant's Pre-Application Community Engagement

Engagement was carried out by the applicant with the local community and key stakeholders in the area prior to the submission of the planning application in accordance with the principles set out in the Early Community Engagement guidance. The engagement activities undertaken by the applicant (as listed in the submitted Statement of Community Involvement) are summarised in the table below:

Engagement Method/Event/Activity	Date	Attendance	Summary of Discussions
Briefing email, phone calls with political and community stakeholders	May/June 2022		
Community newsletter and dedicated website			
Public consultation event including feedback forms	June 2022	4 attendees	Massing, height, parking

In summary, across the range of engagement undertaken by the applicant the principal issues raised were massing, height and parking.

A separate briefing to the Mayfair Neighbourhood Forum was carried out following the submission of the application.

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 Mayfair Neighbourhood Plan includes policies on a range of matters including public realm, directing growth, enhancing retail, commercial and public house uses, residential amenity, commercial growth, cultural and community uses, heritage, design, servicing and deliveries and environment and sustainability.

The plan has been through independent examination and was supported by local residents and businesses in a referendum held on 31 October 2019. It was adopted on 24 December 2019. It therefore forms part of the development plan for Westminster for development within the Mayfair neighbourhood area in accordance with accordance with Section 38 of the Planning and Compulsory Purchase Act 2004. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed later in this report.

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 site comprises five properties within the Mayfair Conservation Area and the Core Central Activities Zone (CAZ). These are:

1. Park Lane Mews Hotel, which occupies 2-6 Stanhope Row. This is an unlisted building over basement, ground and five upper floors and provides a 75-bedroom hotel, ground floor dining rooms and reception area and a loading/servicing area at front

ground floor. There is an existing ground floor passageway which connects Stanhope Row with Shepherd Street.

2. 16a, 16b and 17 Market Mews is an unlisted building comprising ground floor commercial parking spaces, and two floors of residential accommodation.

3. 16 Stanhope Row is an unlisted building, located next to the existing hotel. The upper floors of this building are connected to the upper floors of 16a-17 Market Mews.

4. 36 Hertford Street is a Grade II listed building on basement, ground and three upper floors, comprising seven residential flats.

5. 37 Hertford Street is an unlisted building over basement, ground and three upper floors, which suffered bomb damage during World War II. Substantial building works were required to rebuild the property, which is currently used as six residential flats.

There are residential properties on Hertford Street, Stanhope Row, Market Mews and Shepherd Street, all within close proximity of the site. There are also a number of hotels within the immediate vicinity of the site, including the Hilton Hotel on Park Lane, the rear façade of which faces this site.

7.2 Recent Relevant History

Planning permission was granted on 4 March 2010 for demolition and redevelopment of 37 Hertford Street, 16 Stanhope Row, 16a, 16b and 17 Market Mews and the Park Lane Mews Hotel (2-6 Stanhope Row) and refurbishment and extension of 36 Hertford Street to provide a new 44 bedroom hotel (Class C1) with restaurant at lower ground floor, and 15 residential units (Class C3), with associated plant. This permission has not been implemented.

Planning permission was granted on 18 June 2013 for the use of part ground floor to part third floors as a casino (sui generis) and continued use of the remainder of the building as a hotel (Class C1), and the creation of a third floor terrace on 17A Market Mews. This permission has not been implemented.

On 27 January 2016 planning permission was granted for the demolition of 2-6 Stanhope Row and 16-17a Market Mews, excavation of sub-basement beneath 2-6 Stanhope Row and excavation of basement beneath 17a Market Mews and erection of replacement building over sub-basement, basement, ground - fifth floors (with plant above) (2-6 Stanhope Row) and three-storey building to Market Mews to provide a 29-bedroom hotel (Class C1) with ancillary casino. Demolition of 37 Hertford Street and rear third floor mansard roof of 36 Hertford Street and erection of replacement building over basement, ground to third plus mansard roof to provide 13 residential units (Class C3) provision for cycle parking, refuse storage and rooftop plant, together with other associated works.

8. THE PROPOSAL

The proposal involves the comprehensive refurbishment and extension of the existing hotel building at 2-6 Stanhope Row to create an 82-room boutique hotel and the

refurbishment and reconfiguration of 36 and 37 Hertford Street to create 16 residential apartments.

As with the two previous permissions, the proposals seek to demolish and re-build 16a, 16b and 17 Market Mews, which are in a state of severe disrepair. The scheme also proposes to demolish and rebuild 37 Hertford Street to align the floorplates with the adjacent 36 Hertford Street and re-provide improved residential accommodation. The top floor and roof level plant room of the hotel are also to be demolished to enable two new floors (levels 5 and 6) above the retained levels (ground through 4). A new plant area is proposed at roof level and designed to be sunk into the top floor of the hotel. The ground floor layout will comprise a new publicly accessible restaurant, café and hotel lobby.

The rebuilding of 16a-17 Market Mews is proposed as part of the hotel extension, accommodating three floors of guestrooms above a ground floor service bay. The existing Market Mews building will be replaced with four storeys (three levels plus a new mansard roof) and will provide 15 hotel bedrooms for the hotel. This will provide a combined 82-bedroom hotel with enhanced accessibility.

The existing site contains 17 residential units, with four units within the Market Mews block, seven units in 36 Hertford Street and six units in 37 Hertford Street. The proposed development will re-provide three of the four existing residential flats from Market Mews within the rebuilt 37 Hertford Street which will have five storeys comprised of four levels plus a mansard roof. An additional floor and rear extension is proposed at the refurbished 36 Hertford Street. This will result in the overall re-provision of 16 apartments.

Table: Existing and proposed land uses.

Land Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Hotel	2,836	3,736	+900
Residential	1,540	1,542	+2
Total	4,376	5,278	+902

9. DETAILED CONSIDERATIONS

9.1 Land Use

Commercial Uses

Loss of commercial car parking

The ground floor of 16a, 16b and 17 Market Mews is currently used for off-street commercial car parking. This use is not protected in terms of City Plan policy and therefore the loss of this is not considered contentious.

Hotel floorspace

The proposal will result in an extended hotel comprising 3,736 sqm with 82 bedrooms. There is some restaurant and bar floorspace which will be accessible to members of the public and hotel guests.

London Plan Policy E10(F) states, 'Within the CAZ, strategically-important serviced accommodation [which includes hotels] should be promoted in Opportunity Areas, with smaller-scale provision in other parts of the CAZ except wholly residential streets or predominantly residential neighbourhoods'.

City Plan Policy 14(A) supports the intensification of the CAZ to provide additional floorspace for main town centre uses, which includes hotel facilities (as defined within the NPPF and London Plan). Policy 15 'Visitor Economy' states that we will maintain and enhance the attractiveness of Westminster as a visitor destination, balancing the needs of visitors, businesses and local communities. Part (H) of Policy 15 states that, 'Applications for extensions and upgrades to existing hotels will have regard to impacts on the wider area. Development proposals should improve accessibility and enable the extended lifetime of buildings by incorporating principles and measures of sustainable design wherever possible. Development proposals should, where appropriate, reveal the historic significance of hotels located within heritage assets.'

The supporting text to this policy at paragraph 15.12 gives a strong level of protection to existing hotels. Para 15.13 states that when assessing proposals for hotel extensions account will be taken of the site location, relationship to neighbouring uses, scale of accommodation and facilities proposed (the number of bedrooms and nature of other services the hotel offers), highways and parking. Proposals for extensions and upgrades to existing hotels will also consider how the sustainability and accessibility of the building can be improved. When located within heritage assets and where appropriate, development should better reveal the historic significance of the building. Para 15.14 states that there is a need to ensure a balance between hotel and residential uses so that they can all function well, while also ensuring a good quality of life for residents.

Policy MSG1 of the Mayfair Neighbourhood Plan (MNP) also encourages growth within Mayfair, including increased density, intensity of use, efficient use of existing floorspace, amount of mixed use floorspace, numbers of units (where subdivision is appropriate), and activity (by providing restaurants, cafés, galleries, shops, and other uses which animate the streetscene for the public). Policy MSG2 states that growth is 'particularly encouraged' within West Mayfair [where the site is located] for mixed use and residential growth.

Given that the proposals involve only a small increase in hotel bedrooms (7 in total), it is not considered that the extended hotel would have a material impact on local residents, nor adversely affect the character and function of the local environment.

There are a number of residential properties within close proximity to the site, including mews houses at 18, 20 and 22 Stanhope Row, residential properties on Hertford Street and Market Mews and those at the rear on Shepherd Street. The application is supported by an Operational Management Plan (OMP) and a 'Delivery and Servicing Plan' to ensure that the amenity of neighbouring residents and businesses and the quality of the surrounding environment is adequately safeguarded.

Policy 15 requires proposals for extensions and upgrades to existing hotels to consider how the sustainability and accessibility of the building can be improved. There are significant improvements to sustainability and accessibility and these are set out in sections 9.2 and 9.6 below.

The proposals are considered to be in line with London Plan and Council policy which encourages the protection of existing visitor accommodation throughout the city.

Restaurant and Bar Use

The proposals involve a cocktail bar at lower ground floor and a restaurant at ground floor. The bar area measures some 100 sqm with an indicative capacity of 80. The ground floor restaurant measures some 130 sqm with an indicative capacity of 70. There is also an ancillary coffee shop area at ground floor that measures some 80 sqm. The total entertainment floorspace comprises some 310 sqm and is similar to the amount of restaurant floorspace in the 2016 permission (348 sqm).

Such uses are typically part of the hotel function and whilst there is no objection in principle to these activities, as they could be used by hotel and non-guests they need to be considered against the relevant policies. As well as the policies listed in the above section, policy 16 (A) states that “proposals for food and drink and entertainment uses will be of a type and size appropriate to their location. The over-concentration of those uses will be further prevented where this could harm residential amenity, the vitality and character of the local area or the diversity that defines the role and function of the town centre. Applications for entertainment uses will need to demonstrate wider benefits for the local community, where appropriate.”

The amount of restaurant and bar accommodation within the hotel is slightly less than in the 2016 approved scheme. (The approved scheme had a restaurant at lower ground floor with a hotel lounge and bar at ground floor level.) As with the approved scheme, it is proposed to restrict the hours that the bar and restaurants are open to non-hotel guests:

The proposed entertainment floorspace is considered acceptable and will complement the character and function of the area. There is a limited number of other entertainment uses in the vicinity of the site and it is not considered that the entertainment floorspace will lead to a cumulative impact in the area.

An operational management plan (OMP) has been submitted, however, this does refer to the basement bar being accessed via Market Mews which could cause some disruption to residents in the Mews and a revised OMP is to be secured by condition to ensure that access to this bar is solely via Stanhope Row. It is considered that subject to conditions the proposed restaurant/bar floorspace is in line with policy.

Residential Use

Policy 8 of the City Plan protects all existing residential units, uses, floorspace and land except where:

1. the reconfiguration or redevelopment of supported or affordable housing would better meet need; or
2. non-family sized housing is being reconfigured to create family sized housing

At present the site contains 17 flats with a GIA of 1,540 sqm within three separate planning units with four within Market Mews, seven within 36 Hertford Street and six in 37 Hertford Street. The mix of units comprises 6 x 1-bedroom flats, 9 x 2-bedroom flats and 2 x 3-bedrooms flats.

The existing Market Mews building is in a significant state of dilapidation, comprising single aspect north facing units. These units are not habitable and as one of the units is a windowless 1-bedroom flat at basement level it is recognised that this cannot realistically be brought back into use.

As a result of the proposals the existing residential accommodation at 16a, 16b and 17 Market Mews will be relocated to 36 and 37 Hertford Street. There will be an overall reduction in the number of residential units from 17 to 16 (but no loss in residential floorspace). The mix of units comprises 10 x 1-bedroom flats, 3 x 2-bedroom flats and 3 x 3-bedroom flats. Given the increase of three family sized units (from 11% to 18%), the loss of one windowless basement level flat is considered acceptable in principle under Policy 8, part C2.

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

The new flats proposed at third and fourth floor levels also include private outdoor amenity space in the form of terraces and the majority of the flats would be dual aspect, in accordance with policy 12 of the City Plan and D6 of the London Plan. Whilst some of the flats on the upper floors are single aspect, it is recognised that the scope to fully satisfy the London Plan standards is limited by the constraints of the existing building which is being converted and the listed status of 36 Hertford Street. The proposed units would be provided with mechanical ventilation and would still provide a good standard of residential amenity, being an improvement over the existing layouts and providing a better mix of family-sized residential units.

Affordable Housing

The proposals would result in the seven flats within 36 Hertford Street being reconfigured to provide nine flats, and the roof is being replaced to provide additional head height to the existing flat at fourth floor. No. 37 is being completely demolished to provide seven new flats.

Policy 9 of the City Plan requires the provision of at least 35% of any “new” homes as affordable housing if they:

1. have a site area of 0.5 hectares or more; or
2. are proposing ten or more residential units; or
3. are proposing 1,000 sqm or more residential floorspace (for sale or rent).

In this case, as 36 Hertford Street is being reconfigured and extended, this element of the scheme does not result in “new homes”. Consequently, this part of the site would not trigger the application of Policy 9.

With regard to 37 Hertford Street, the 9 new dwellings here fall below the policy threshold in relation to both the 1,000 sqm residential floorspace figure, and in terms of the number of new dwellings, and so also would not, at this time, trigger the need for affordable housing.

9.2 Environment & Sustainability

Principle of demolition

City Plan Policy 38, Part D states, 'development will enable the extended lifetime of buildings...'. and paragraph 38.11 of the City Plan states, '...the possibility of sensitively refurbishing or retrofitting buildings should also be considered prior to demolition and proposals for substantial demolition and reconstruction should be fully justified on the basis of whole-life carbon impact, resource and energy use, when compared to the existing building'. The Environmental SPD advises that 'where all or part of the existing building can be retained and demolition can be avoided, this will help conserve resources, reduce embodied carbon, minimise waste and avoid dust and emissions from demolition.'

In this case, the proposed development seeks to re-use and refurbish a great majority of the existing buildings on the site to prevent unnecessary demolition. The vast majority of the existing hotel envelope, the cores and the slab are to be retained.

Market Mews is proposed to be demolished due to the derelict, structurally unsound nature of the existing fabric here. The building contains damp, mould and rot through ingress of multiple openings in the roof which has caused internal damage. In addition, there is substantial lower ground water ingress, moisture and mould. The existing internal structure currently poses a safety risk, with significant damage/opening to the floors.

Objections to the demolition of 37 Hertford Street have been received, however, the existing structural joists are in a poor condition with rotting joists and there is water ingress and mould to walls and floors. It is considered that the scheme seeks to retain as much as is technically possible. If the building were to be retained, significant structural intervention is required which would require a significant amount of demolition and rebuilding to transform the site into a building that is fit for reuse.

Whilst this scheme, as a non-major development, would not necessitate the submission of Whole Life Carbon & Circular Economy assessments, these reports have been submitted. The Applicant commits to incorporate Circular Economy principles and measures to reduce demolition waste, identifying waste streams (based on pre-demolition reports) and potential revenues for upcycling materials. In addition, the applicant has provided further information during the course of the application in relation to BRUKL reports (demonstrating that the building is compliant with Part L of the Building regulations), GLA carbon reporting information and the building has been redesigned to enable future connection to a district heating system. This will be secured by condition.

The development is targeting the following:

- Significant retention of existing structure and façade.
- All-electric Air Source Heat Pump (ASHP) led energy strategy.
- Lightweight cross laminated timber (CLT) extension to the hotel.
- Maximum re-use of existing internal walls.
- Specification of materials with optimum cement replacement and recycled content.

Based on the above information, and subject to conditions including 'Whole Life Carbon',

the proposed demolition and re-development is considered to comply with Westminster's City Plan Policy 38. A planning obligation requiring "Be seen" monitoring is also proposed to ensure that the development delivers the carbon savings promised.

Sustainable Design

There is no requirement to carry out an Energy Assessment with a minor planning application. Nonetheless, to demonstrate the applicant's commitment to enhancing sustainability in the face of climate change, an Energy and Sustainability Statement has also been provided with the application to demonstrate the sustainable design which is proposed. The key elements are summarised below:-

- BREEAM Excellent targeted
- A 'fabric first' approach to reduce the energy demand
- The installation of high-efficiency mechanical ventilation
- Provision of Air Source Heat Pumps with heat recovery.
- Installation of energy efficient controls and metering measures.
- Installation of PVs at roof level
- Installation of water-efficient fixtures and fittings.
- Future-proofing measures to be implemented to enable connection to any future low carbon district heating network.
- Reduction of regulated carbon emissions in the region of 72% when measured against the existing building at the site

It is considered that the proposal has been designed with sustainability in mind and the energy efficiency of the building is much improved reducing on-site energy demand. As such the proposal is considered to meet with the aims and aspirations of Policy 38 (Design principles) and Policy 36 (Energy).

Air Quality

The applicants air quality assessment indicates that there are no impacts to both existing residents and proposed users of the development from air quality.

The proposed development is expected to be car-free, generating taxis and servicing vehicles only, and will utilise an all-electric energy strategy, as such it is therefore considered Air Quality Neutral.

Flood Risk & Sustainable Drainage

The application site is in Flood Zone 1 (Low Risk) and within a Surface Water Flood Risk Hotspot. The application is supported by a flood risk assessment, which assessed all sources of flood risk, including surface water flooding. The assessment concludes that there is a low risk of flooding from all sources. In terms of the drainage strategy, green roofs, and planted terraces are proposed in accordance with policy. These mitigation measures will be secured by condition.

Light Pollution

City Plan policy 33B, requires development to be designed to minimise the detrimental

impact of glare and light spill on local amenity, biodiversity, highway and waterway users. The proposals include up-lighting to the pedestrian passageway from Stanhope Row to Shepherd Street. It is not considered that this would be harmful to local amenity, and will help to resolve current issues of anti-social behaviour (see the Crime and Security section below).

Odour

The applicant has advised that a recirculation system is proposed as it is not possible to vent the kitchen flue to roof level. This is secured by condition.

Land Contamination

The City Council's Environmental Health officer has advised that the contaminated land map (1950) shows ruins within the development area. Consequently, a contaminated land condition is recommended. This will ensure that this matter is adequately addressed in accordance with Policy 33 (Local environmental impacts).

9.3 Biodiversity & Greening

It is proposed to introduce green roofs to the main roof of the hotel, to the rear second floor flat roof, to the Market Mews roof and to the roof of 37 Hertford Street. Additional planting is also proposed to the balconies to the main hotel and a green wall to its north-facing gable. Those measures are welcome as they contribute to the greening of the City in line with the objectives of Policy 34. Their provision will therefore be secured by a condition and a maintenance management plan will also be required to ensure that those elements provide long term benefits.

9.4 Townscape, Design & Heritage Impact

Legislative & Policy Context

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

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the LBCA Act') requires that "*In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*"

Section 66 of the LBCA Act requires that "*In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*"

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

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

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

Site & Significance

The application site includes 2 Stanhope Row, 36 and 37 Hertford Street 16a, 16B and 17 Market Mews. It is located in the Mayfair Conservation Area. 36 Hertford Street is Grade II listed.

1. 2-6 Stanhope Row is not considered to make a positive contribution to the character and appearance of the area. It comprises a neo-Georgian twentieth century building with a mansard storey with plant above and is of no architectural quality. Permission was granted in 2016 for its demolition (RN. 15/07611/FULL).
2. 16a, 16b and 17 Market Mews makes a neutral contribution to the conservation area. They are likely to form altered Georgian buildings, which survive in a state of disrepair. They have been altered significantly, including the addition of modern garage doors and windows. They are of an appropriate height, contributing to a continuous parapet level and uniform character within the mews. They are, therefore, considered to have a neutral contribution to the townscape. 16 Stanhope Row is of similar quality although not painted white. Permission was granted in 2016 for its demolition (RN. 15/07611/FULL).
3. 37 Hertford Street was originally a Georgian house but was rebuilt or refaced in a Georgian style during the mid-twentieth century. The positive contribution it makes to the appearance of the conservation area stems from its appropriate scale and traditional townhouse character to Hertford Street. Permission was granted in 2016 for its demolition (RN. 15/07611/FULL).
4. 36 Hertford Street is Grade II listed, dating from c.1765. The modern render to the upper floors is in a state of disrepair. Internally it retains a stone staircase with wrought iron balustrade, cornicing, chimneypieces delicate plaster roundels and festoons to the hallway and joinery in some places. The introduction of modern partitions has impacted the legible plan form of the building. Architectural features of interest are mostly found within the hallway, principal stair compartment and rooms to the front (Hertford Street) of the property. In 1996 a mansard roof was added. It also has a modern extension at the rear.

The immediate context of the site is formed of differing townscapes, in terms of scale. The rear of the podium of the Hilton Hotel afflicts this part of the conservation area,

forming a large blank brick frontage to Hertford Street and Stanhope Row. Hertford Street is primarily characterised by four storey townhouses, while two storey mews buildings populate either side of Shepherd Street to the rear of the site.

4 letters of objection (including one on the behalf of 38, 40 and 49 Hertford Street) were received in the first round of consultation and 2 further letters provided in the second round of consultation. The primary concerns of the neighbours relate to the increase in height at 2-6 Stanhope Row and the impacts on daylight. However, the following concerns were raised in relation to the historic environment:

- The scale of the proposals is out of proportion within the locality;
 - The alterations and extension to the hotel building fails to reflect the local vernacular;
- and
- The proposals will harm the Mayfair Conservation Area and listed buildings.

Below provides consideration of the proposed and the objections raised.

Demolition

2-6 Stanhope Row, 16a, 16b and 17 Market Mews all make a neutral contribution to the character and appearance of the conservation area. Their demolition has been approved previously in 2010 and 2016. This application seeks to retain and extend 2-6 Stanhope Row. The degree of demolition proposed is considered acceptable in this case because the mews buildings are of no architectural merit and the scheme will improve the contribution that the site makes to the character and appearance of the conservation area and the townscape.

The demolition of 37 Hertford Street was approved in 2016. Its loss is considered to be acceptable because its façade is not historic. As such, a replacement building with the same traditional character has the potential to provide an equal contribution to the character and appearance of the conservation area.

Detailed Design

1. 2-6 Stanhope Row

Unlike the 2016 scheme the proposals will retain, adapt and extend the existing building. The principle of this is reflective of policy 38 of Westminster's City Plan 2019-2040 (adopted April 2021) and the Environmental SPD (February 2022).

The proposals will see the removal of the existing mansard. The parapet will be extended to from a continuous shoulder to the street façade approximately 1.5m taller than the existing. A two-storey extension will be added in the form of a setback sheer storey and modern zinc mansard above.

It will read as a five-storey building with two storeys set back in views from both Shepherd Street and Stanhope Row. The knee of the new mansard will reflect the height of the existing plantroom at roof level, with a smaller area of lift over-run extending a further metre above. This additional bulk will be particularly notable within the north and south portions of the building where the parapet is currently lower with little plantroom above. The height of the building will be similar to that previously approved under 15/07611/FULL.

The existing building appears somewhat out of scale when viewed among the three storey buildings along Shepherd Street, furthermore the cluttered roof detracts from the townscape. While the extensions will appear prominent in this context, the rationalised roofscape, updated finishes and improved walkway through to Stanhope Row contributes to a composed termination to the street. Furthermore, the scale reflects the previous approval granted in 2016 (RN. 15/07611/FULL) and would be difficult to resist in design terms.

The acceptability of contemporary architecture on this site has been established through the 2016 permission. Setting this aside, the use of stained brickwork, projecting bronze finished windows, white glazed brick treatment to sixth floor and zinc roof form is appropriate here because the local townscape is varied. Twentieth century development is located to the west, with traditional townhouses to Hertford Street and modest mews properties to the east. The brickwork is proposed to be stained, due to proposed retention of the existing building. Throughout the pre-application process and the course of this application Officers have requested a sample to understand whether the staining will work successfully on the patina of brickwork resultant of proposed upward construction and alteration of window openings. However, this was never provided. A condition is recommended to ensure that new bricks match the existing and a sample patch of stained brickwork produced. This will ensure high quality finishes are achieved while the degree of demolition is kept to a minimum.

The existing curved brick structure at the rear of the building, to Shepherd Street will be demolished and a new mews building erected. While the parapet level will sit slightly higher than the neighbouring (No.35), the building line will be brought back in line with the mews. This is welcomed and considered to enhance the contribution that this part of the site makes to the character and appearance of this part of the conservation area.

The proposals are considered to be acceptable in this case, in compliance with policies 38, 39 and 40 of Westminster's City Plan 2019-2040 (adopted April 2021) and policies MD1, MD2, MD3 and MD4 of Mayfair's Neighbourhood Plan 2018-2038 (adopted December 2019).

2. Market Mews Buildings:

The proposals have been negotiated. The parapet height will reflect the height of the neighbouring properties at 20 and 22. A double pitched zinc mansard is proposed above. The roof form will serve to screen plant and the additional bulk of the hotel building behind. While no roof extensions are found within the southern side of the street, the modern mews buildings and their roofs are of no particular quality and do not contribute to a traditional townscape or roofscape of interest. As such, there is no objection to the introduction of such extensions to the roofscape

Officers raised concerns over the large size and projecting/expressed design of the windows. The expressed detail has been omitted. Given the modern character of this part of the mews, the large opening sizes are acceptable in this case.

The proposals comply with policies 38, 39 and 40 of Westminster's City Plan 2019-2040 (adopted April 2021) and policies MD1, MD2, MD3 and MD4 of Mayfair's Neighbourhood Plan 2018-2038 (adopted December 2019).

3. 37 Hertford Street:

The proposed front façade will have three bays of sash windows across four storeys with brick arches above. The ground and lower ground floor will be faced in a channelled stucco, while the upper floors will be exposed brick. This reflects the typical façade treatment found within the locality. The submitted drawings show it to be finished in a warm grey coloured brick. This is not appropriate as it fails to reflect the prominent traditional brickwork in the street. A condition is recommended regarding the materials to ensure a yellow stock or red brick is used. The roof form of this building has been negotiated. It now forms a dormered mansard with set-back plant enclosure. While the plant enclosure will be visible from mid-distant views along Down Street, once finished in a grey colour it will appear inconspicuous in the roofscape. As such, the character of this view will be preserved.

The rear elevation (to Shepherd Street) is visible from a limited number of private high-level views. The proposed rear (north) elevation is formed of a five-storey replacement extension to 36 which steps down to form a three-storey addition to the rear of 37, with two set back balconies. A narrow lightwell at ground and first floor level will be finished in glazed brickwork and the upper floors in brick. It is disappointing that the fifth storey will not form a mansard at the rear, however, given the corner location of the plot and the lack of views towards the rear façade, it is considered acceptable in this case.

Furthermore, the sheer addition allows for a dummy roof slope to screen the plant. The submitted drawings do not make clear how step up between 35 and the increased height of 37 will be detailed. A drawing showing this detail is required by condition.

4. 36 Hertford Street:

This application seeks to demolish and replace the rear extension to allow connection through to No 37, a new lift and staircase. The demolition works affect modern fabric only and given the degree of change that has taken place in this area, the replacement infill addition will have neutral impact on the plan form and the contribution that it makes to the special interest of the listed building.

Permission is sought for the demolition of the 1990s roof which was previously approved in 2016. Again, it is of no historic or architectural interest and its demolition will have no impact on the special interest (significance) of the building. The proposals will see it replaced with a sheer storey extension and mansard above.

The detailed design was negotiated throughout the course of the application. The height of the upstand has been reduced and a lost chimney stack is proposed to be reinstated to break up its massing. While the additional height will see a reduction in the step up to the corner of the listed building, the new parapet will sit several brick courses lower to ensure that this part of the building remains recessive in the streetscene. The new upstand and bulk of the mansard will not be visible in views from the street and will have little impact on the overall appearance of the building.

The proposals will see the reinstatement of vaults at lower ground floor level, removal of the later staircase within the front principal room, reinstatement of panelling within the entrance hall, reinstatement of windows to the Stanhope Row, the removal of partitions from the second-floor front room, the removal of the render from the upper floors of the building and restoration of the front façade. These alterations will enhance the legibility of the original plan form, appreciation of architectural features of interest and the contribution that it makes to the character and appearance (significance) of the

conservation area.

The extension to the listed building and new roof form of No. 37 will appear to crowd the formerly prominent corner section of the listed building. This will cause a low level of less than substantial harm to the special interest of the listed building and the character and appearance of this part of the conservation area.

However, Paragraph 202 of the NPPF states:

'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'

The proposals will see the following Heritage and Design benefits; removal of modern render and exposure of brickwork to 36 Hertford Street, enhancement to the plan form within 36 Hertford Street, reinstatement of appropriate joinery within 36 Hertford Street, replacement of curved brick blank wall to Shepherd Street with new mews building, rationalisation of the hotel roofline and its refurbishment with good quality materials, provision of greening and creation of an attractive passageway from Shepherds Street and Stanhope Row.

The low level of substantial harm is considered to be acceptable when weighed against these benefits.

Design Conclusion

While the proposals will see a low level of less than substantial harm to the listed building and character and appearance of the conservation area. There are sufficient benefits brought about to outweigh this harm.

The proposals form a well-considered scheme which complies with Paragraph 202 of the NPPF and policies 38, 39 and 40 of Westminster's City Plan 2019-2040 (adopted April 2021) and policies MD1, MD2, MD3 and MD4 of Mayfair's Neighbourhood Plan 2018-2038 (adopted December 2019).

Fire Safety

Policy D12 of the London Plan states that all developments achieve the highest standards of fire safety and ensure that they are constructed in an appropriate way to minimise the risk of fire spread. The application is accompanied by a Fire Safety document and the Health and Safety Executive have been consulted, however, they raise no comments as the proposals do not relate to a 'relevant building'.

Archaeology

The site lies in the Great Estates Archaeological Priority and is supported by an Archaeological Desk Based Assessment (DBA). The archaeological impact of the proposal has been carefully assessed, and Historic England (Archaeology) are satisfied that monitoring and recording can be dealt with by condition.

9.5 Residential Amenity

Policy 7 of the City Plan relates to managing development for Westminster's people. It states that development will be neighbourly by protecting and where appropriate enhancing amenity, by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, overshadowing, privacy and overlooking.

Daylight & Sunlight

The City Council generally has regard to the standards for daylight and sunlight as set out in the Building Research Establishment (BRE) 'Site Layout Planning for Daylight and Sunlight' (as revised 2022), whilst recognising that these Guidelines should be applied flexibly.

The recommendation in the BRE guide is that a window may be affected if the vertical sky component (VSC) measured at the centre of the window is less than 27% with a reduction of over 20% of existing daylight (VSC) levels likely to be noticeable. In conjunction with the VSC test, the BRE guidelines also recommends that the daylight distribution is assessed using the No Sky Line (NSL) test, where internal arrangements are known. If the NSL moves so that the area of the existing room which receives direct skylight is reduced by over 20%, this is likely to be noticeable.

The BRE Guidelines explain that the advice given is not mandatory, that the numerical guidelines should be interpreted flexibly, for example in an historic city centre, or in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable. In special circumstances the Planning Authority may wish to use different target values. Inner city development is one of the examples where a different approach might be justified. This approach is encouraged by the London Plan's Housing SPG which states that 'guidelines should be applied sensitively to higher density development, especially in opportunity areas, town centres, large sites and accessible locations, where BRE advice suggests considering the use of alternative targets.' It goes on to state that 'the degree of harm on adjacent properties and the daylight targets within a proposed scheme should be assessed drawing on broadly comparable residential typologies within the area and of a similar nature across London.'

In respect of sunlight, the BRE guide suggests that a dwelling will appear reasonably well sunlit provided that at least one main window wall faces within 90° of due south and it receives at least a quarter of annual probable sunlight hours (APSH), including 5% of PSH during the winter months. As with the tests for daylighting, the guidance recommends that any reduction below this level should be kept to a minimum.

The applicant's consultant, GIA Chartered Surveyors, has carried out the necessary tests using the methodology set out in the BRE guidelines. Daylight and sunlight tests have been carried out on the nearest, most affected residential properties in Hertford Street, Market Mews and Shepherd Street. An updated report has also been received to include an assessment of the impact of overshadowing on adjoining terraces/balconies.

Strong objections to loss of light have been received from neighbouring residential occupiers and from Aspinall's Club on Curzon Street.

Daylight

The sunlight and daylight report shows that, in terms of daylight, there are losses to both VSC and NSL to 44-46 Shepherd Street and losses of NSL to 14 Market Street (as set out in detail below). The remainder of the properties assessed are shown to comply with BRE guidelines for daylight. Aspinall's Club on Curzon Street would also be unaffected in terms of daylight.

14 Market Mews

There are 8 windows within this property facing the new mews building on Market Mews. When assessed against the VSC methodology all 8 windows satisfy BRE guidance retaining values of between 14.5 and 21%.

However, when assessed against the No Sky Line test, two out of four rooms which fall below BRE criteria will experience relatively minor losses of 28.5% and 22.4% respectively.

44-46 Shepherd Street

There are 25 windows within this property serving 12 rooms located to both the front and rear of the property which have been assessed. Seven windows located to the rear of the property are adversely affected in terms of losses of more than 20% to VSC.

Of these seven windows falling below guidance, four form part of bay windows, where there are alternative windows within the same room which are unaffected by the proposals. One window on the ground floor will see a 64% change in VSC, however, the existing VSC level is very low (2.5% against a target of 27%) and consequently the actual change in VSC is 1.6%, which is highly unlikely to be noticed and is represented disproportionately as a percentage. The remaining two windows are on the third and fourth floor, which would experience losses of 31.6% and 21.4% respectively, however, retain VSC values of 19.3% and 24.2%, and as such are considered to retain good levels of light for this location.

When assessed against the NSL daylight methodology, 3 rooms do fail the BRE criteria. One room which experiences NSL losses is located to the front of the property and will see an NSL loss of 24.5%, however the retained NSL value for this room is 47.8% which would mean that around half of the room will remain suitably lit. The remaining two rooms will experience NSL losses of 35% and 71% respectively, are located at the mid to lower levels at the rear of the property where lower levels of natural light are currently received. The worst affected, a rear ground floor single aspect room would see losses of 71%. However, BRE guidelines do refer to the fact that if an existing building contains rooms 'lit from one side only and greater than 5m deep, then a greater movement of the no sky line may be unavoidable.'

Sunlight

The sunlight/daylight report shows that, in terms of sunlight, there are losses to winter sunlight hours to 40, 42, 44-46 Shepherd Street, 14 Market Street (as set out in detail below). The remainder of the properties assessed are shown to comply with BRE guidelines for sunlight.

14 Market Mews

When assessed for Winter Probable Sunlight Hours (WPSH), four windows will see winter sunlight values reduced to between 0% and 1% WPSH (against a target of 5%). All four of these rooms have poor existing winter sunlight levels of between 2% and 3%. These windows will continue to enjoy annual sunlight levels of between 41% and 50% (against a target of 25%) meaning that despite a reduction of winter sunlight, they will continue to enjoy very good levels of sunlight annually.

44-46 Shepherd Street

Three windows all located on the second floor will see winter sunlight values reduced to between 2%-3% WPSH (against a target of 5%). These windows will continue to enjoy annual sunlight levels of between 39% and 43%.

42 Shepherd Street

Two windows will see winter sunlight values reduced from 3% to 1% WPSH (against a target of 5%). These windows will continue to enjoy annual sunlight levels of 41%.

40 Shepherd Street

Two windows will see winter sunlight values reduced to between 0%-2% WPSH (against a target of 5%). These windows will continue to enjoy annual sunlight levels of between 37% and 47%.

Sunlight/daylight Conclusions.

As noted above, the proposed development would result in losses of daylight and sunlight to a number of neighbouring properties. It is recognised that the BRE Guide is intended to be applied flexibly as light levels are only one factor affecting site layout. In a central London location, expectations of natural light levels cannot be as great as development in rural and suburban locations and to which the BRE guide also applies. Many sites within Westminster have natural light levels comparable to that which would result from the proposed development yet still provide an acceptable standard of accommodation and are desirable places to live.

It is considered that these losses are considered acceptable given this central London Location and therefore the proposals are considered to comply with policies 7, 33 and 38 in the City Plan.

Overshadowing

The BRE Guidelines advises that for a garden or amenity area to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least two hours of sunlight on the 21st March. If, as a result of new development, an existing garden or amenity area does not meet the above and the area which can receive two hours of sun on the 21st March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable.

The overshadowing analysis shows that the roof terraces at both 40 and 42 Shepherd Street will enjoy at least 2 hours of direct sunlight on the 21st March, with a proposed Sun Hours on the Ground 'SHOG' value of 69% and 97% respectively. While the remaining six private amenity spaces assessed (the roof terraces at 38 and 44-46 Shepherd Street and the rear terraces at 40 and 42 Shepherd Street and 11 and 15 Market Mews) would not achieve half of their spaces receiving at least 2 hours of direct sunlight, they currently do not receive two or more hours of sunlight on 21st March. The level of sunlight loss caused by overshadowing from the proposed development would be relatively limited and in all cases below the 20% loss threshold set out in the BRE Guidelines (with a maximum loss of 8%). Accordingly, the overshadowing impact of the development on existing garden areas adjacent to the site would be acceptable and in accord with Policy 7 in the City Plan.

Sense of Enclosure

Policy 7 aims to prevent unacceptable impacts in terms of sense of enclosure. The existing building at its tallest point (above the existing plant room) rises to a height of 20m (with the lift overrun rising a further 1m above this). The proposed extended hotel would be taller than the existing hotel at this point by 1m (with the lift overrun a further 1m above this). The southern part of the existing hotel is lower in height as there is no plant room here. This part of the building would subsequently see a larger increase in height, from 16.8 to 21.2m.

The new sixth floor, whilst this is set back from the rear façade, would also be closer to the properties in Shepherd Street than the existing plant room at this level.

Objections to the increased height of the building have been received. Objector's concerns are that this would result in loss of outlook. The increase in height however is comparable to the consented scheme, which rose approximately 0.6m above the height of the tallest part of the existing hotel. Whilst there would be some loss of outlook to the properties on Shepherd Street, the largest increase in bulk (at the southern end of the site) would be at the furthest point, some 12.5m, from these residential properties in Shepherd Street. The additional bulk would be most noticeable from roof level terraces, and only obliquely noticeable from windows within the Shephard Street properties. It is not considered that the proposal would result in an adverse increased sense of enclosure to these windows to warrant refusal.

The proposed rear hotel elevation abutting 44-46 Shepherd Street is being brought forward by 2m and will be set back from the party wall by 1.5m. This again is similar to the consented scheme, and given this modest alteration to the building footprint it is not considered that there will be any material increased sense of enclosure created by the proposal

Privacy

The rear garden area of 44-46 Shepherd Street looks directly into the existing windows of the hotel. This elevation is proposed to project 2m closer to Nos. 44-46 and 4 hotel windows are proposed in this elevation. A condition is recommended that they contain obscure glazing, to mitigate any overlooking to 44-46 Shepherd Street.

One objection has been received to the 'viewing panels' and any potential roof top terrace or roof top bar. However, no such roof terrace is proposed and a green roof and PV panels are secured by condition to prevent the roof being accessible other than for maintenance purposes. Terraces are shown at rear fifth and sixth floor levels and the applicant has agreed that these would not be accessible by guests. This is secured by condition.

Aspinall's Club also object to loss of privacy to their roof terrace, and whilst new windows are proposed in the north elevation facing the club, this is similar to the approved scheme where new windows were also proposed. The club is on the opposite site of Market Mews and obliquely faces the proposed north elevation and it is not considered that the application could reasonably be refused on these grounds.

Noise & Vibration

New screened roof top plant is proposed, together with additional plant and services within the basement. Objectors believe that this would result in noise and disturbance, however, Environmental Health has no objection to the proposal on the basis that a supplementary acoustic report is submitted once the plant has been selected.

9.6 Transportation, Accessibility & Servicing

Highway Impact

Objections have been received on the grounds that there are existing on street parking problems in the area and the proposals will increase pressure on parking. There are currently no off-street car parking for either the existing hotel or the residential flats, but instead the hotel operates a valet parking system with a local off-street car park. On street parking will remain available for all residents in line with the existing situation.

It is not anticipated that hotel guests will arrive by coach, however coach bays do exist on Park Lane.

Servicing

The existing hotel is serviced from Stanhope Row, which means that a large part of the ground floor frontage is an unattractive blank facade. To improve the townscape in Stanhope Row, it is proposed, as in the consented schemes, to move the servicing bay to Market Mews.

The applicant has identified that there are currently on average 6-8 servicing vehicles per day. The proposed trips are expected to generate a similar pattern as the existing conditions and it is understood that most trips to and from the site would be made by sustainable travel modes. There are currently no restrictions in place with regards to the existing hotel servicing. Market Mews is used once daily by the waste collection service at 06.30 – 08.30 Monday to Friday and in addition there is a recycling collection on Friday only, between the hours 07.00 – 14.00. Even though refuse vehicles can enter Market Mews from 06.30, and given the relocation of the servicing bay and proximity to residential, it is considered that the earliest servicing for the hotel should be restricted to between 07.00 and 19.00, and a condition is recommended.

Subject to this condition, it is not considered that the relocation of the hotel servicing would affect the surrounding residential amenity to a degree that would justify a recommendation for refusal.

Accessibility

The existing hotel building does not provide level access as a stepped access leads into the hotel, which is served by small lifts that do not allow wheelchair access. It is proposed to amend the existing external passage levels to achieve level access into the ground floor hotel lobby from Stanhope Row.

The lifts have been increased to a compliant 1400x1400mm car footprint. A 1500mm turning circle in front of the lifts is sustained at each level and accessible rooms will now be provided in the hotel.

Waste & Recycling Storage

The City Council's Waste Project Manager has confirmed that the details of waste and recycling are in line with the council's waste storage requirements. Consequently, subject to a condition to require the provision in perpetuity, the proposal meets Policy 37 (Waste management).

Cycling & Cycle Storage

Cycle parking will be provided in accordance with the London Plan with 18 spaces for the hotel and 28 spaces for the flats. One long-stay cycle space for the flats is shown on the footway on Stanhope Row which would be secured by S106 legal agreement if it can be demonstrated that the highway here could accommodate this.

9.7 Economy including Employment & Skills

The West End has been particularly hard hit by the pandemic and there is a need for businesses within the Central Activities Area to be supported at this time to enable their post pandemic recovery. The proposed development will contribute to the recovery of the West End in accordance with Policies 1 and 13 in the City Plan 2019-2040 by... [insert economic benefits of the scheme].

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

The application involves a new partial basement to the Market Mews building. City Plan Policy 45 relates to basement developments.

Part A of the policy relates to structural stability; surface water and sewerage flooding;

requiring developments to minimise 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 Structural Methodology 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 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.

Crime and Security

Shepherd Street passageway is currently a dark and poorly lit route through to the main street. There are issues of anti-social behaviour here and the Metropolitan Police believe that the changes proposed will enhance the area and bring a level of natural surveillance to the area. The improvements to accessibility here as set out above, and improved lighting are considered a public benefit to the scheme. The Police recommend a cobbled type floor to discourage anyone from loitering or causing a nuisance and the imposition of a condition requiring the development to achieve a Secured by Design accreditation prior to occupation.

Construction matters

Objections have been received from neighbouring properties regarding the impact of construction, including noise and pollution. It is inevitable that the construction of the proposed development will cause noise and disturbance to local residents and businesses. Whilst the concerns of local residents are well understood, it is established planning law that planning permission cannot be refused due to the impact of construction.

It is considered that through appropriate controls and careful management the impact from construction works can be lessened. The City Council's adopted Code of Construction Practice (CoCP) sets out the standards and procedures to which developers and contractors must adhere to when undertaking construction of major projects, including site construction logistics, working hours, environmental nuisance, identification and description of sensitive receptors, construction management, matters relating to dust, noise and vibration from works and local community liaison. This will assist with managing the environmental impacts and will identify the main responsibilities

and requirements of developers and contractors in constructing their projects.

This will ensure that the site:

- will be inspected and monitored by the City Council's Code of Construction Practice Team.
- will undertake community liaison, informing neighbours about key stages of the development and giving contact details for site personnel.
- pay the charges arising from site inspections and monitoring; and
- ensure that contractors and sub-contractors also comply with the code requirements.

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

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

The estimated CIL payment is:

Westminster CIL: £235,793

Mayoral CIL: £134,324

Total CIL = £370,117

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 City Council's Code of Construction Practice during the demolition/excavation and construction phases of the development, a written scheme of investigation and a construction contract prior to demolition. The applicant has agreed to the imposition of these condition.

10. Conclusion

As set out above, it is acknowledged that the proposal would result in some less than substantial harm to heritage assets. As such, whilst being mindful of policies 38, 39, and 40 of the City Plan 2019-2040, given the public benefits that would be delivered, which include improved accessibility and heritage benefits such as those derived from the reinstatement of windows to the Stanhope Row, the removal of the render from the upper floors of the building and restoration of the front façade, the proposal is considered acceptable in terms of its impact on the designated heritage assets.

Therefore, the recommendation to grant conditional permission is 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: JO PALMER BY EMAIL AT jpalme@westminster.gov.uk

11. KEY DRAWINGS

Existing view from Stanhope Row



Proposed view from Stanhope Row



Existing view from Shepherd Street



6.13.2 Visualisation - From Shepherd Street looking West



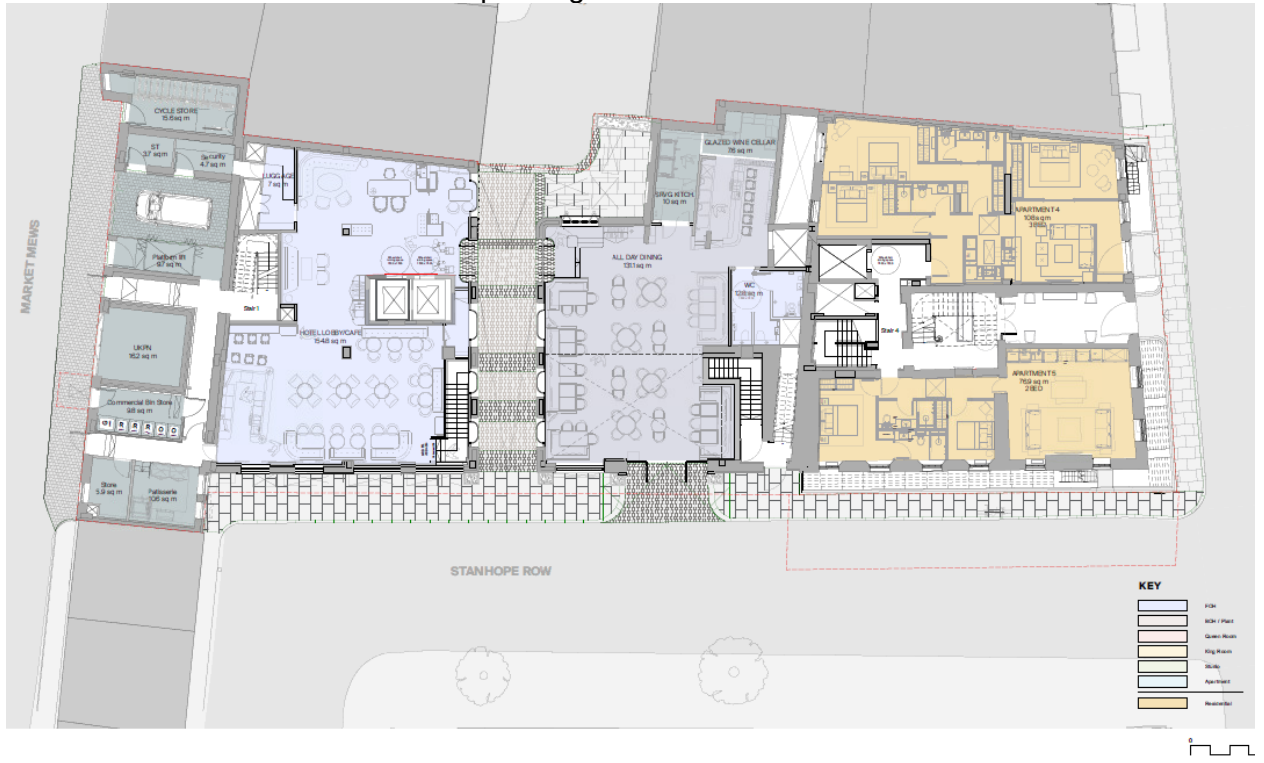
Proposed view Stanhope Row/Hertford Street



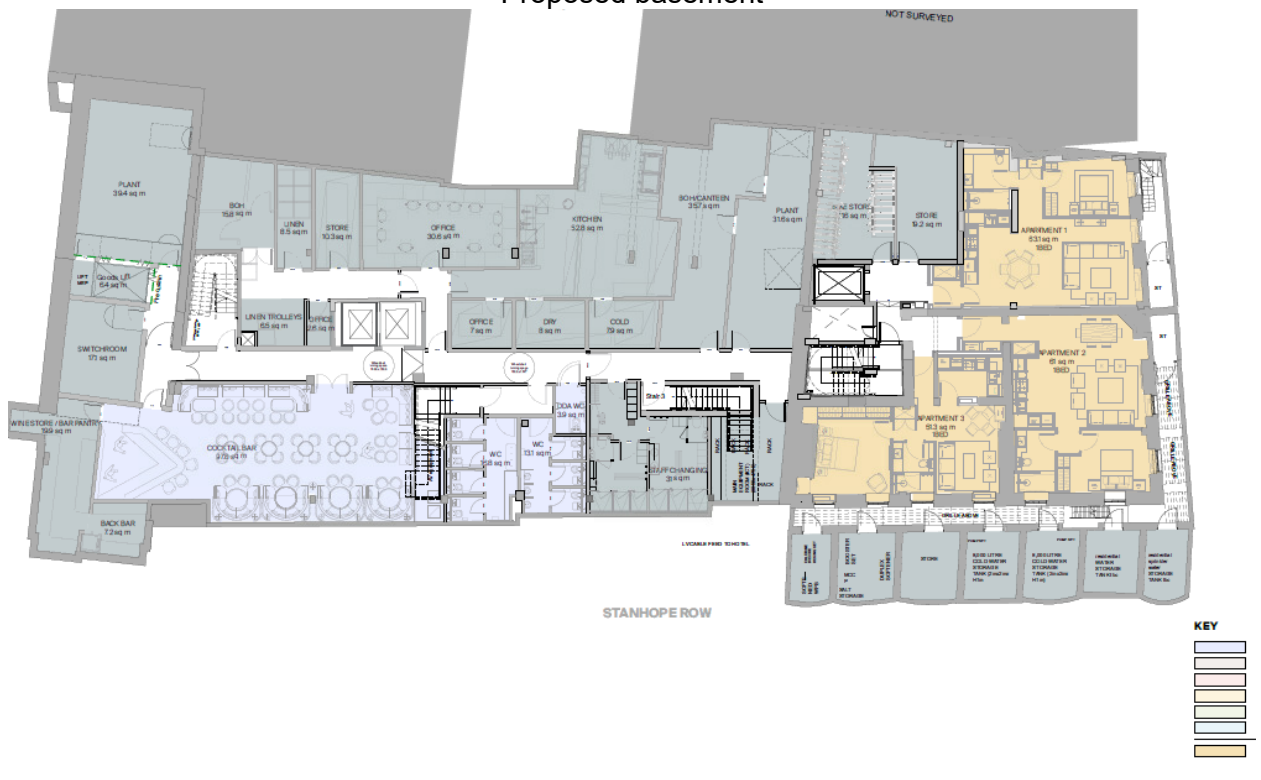
Existing Ground & Lower Ground



Proposed ground floor



Proposed basement



Typical Upper floor plan



Existing Market Mews elevation



Proposed Market Mews elevation



MARKET MEWS

MARKET MEWS

18-22 STANHOPE ROW

Existing Hertford Street Elevation

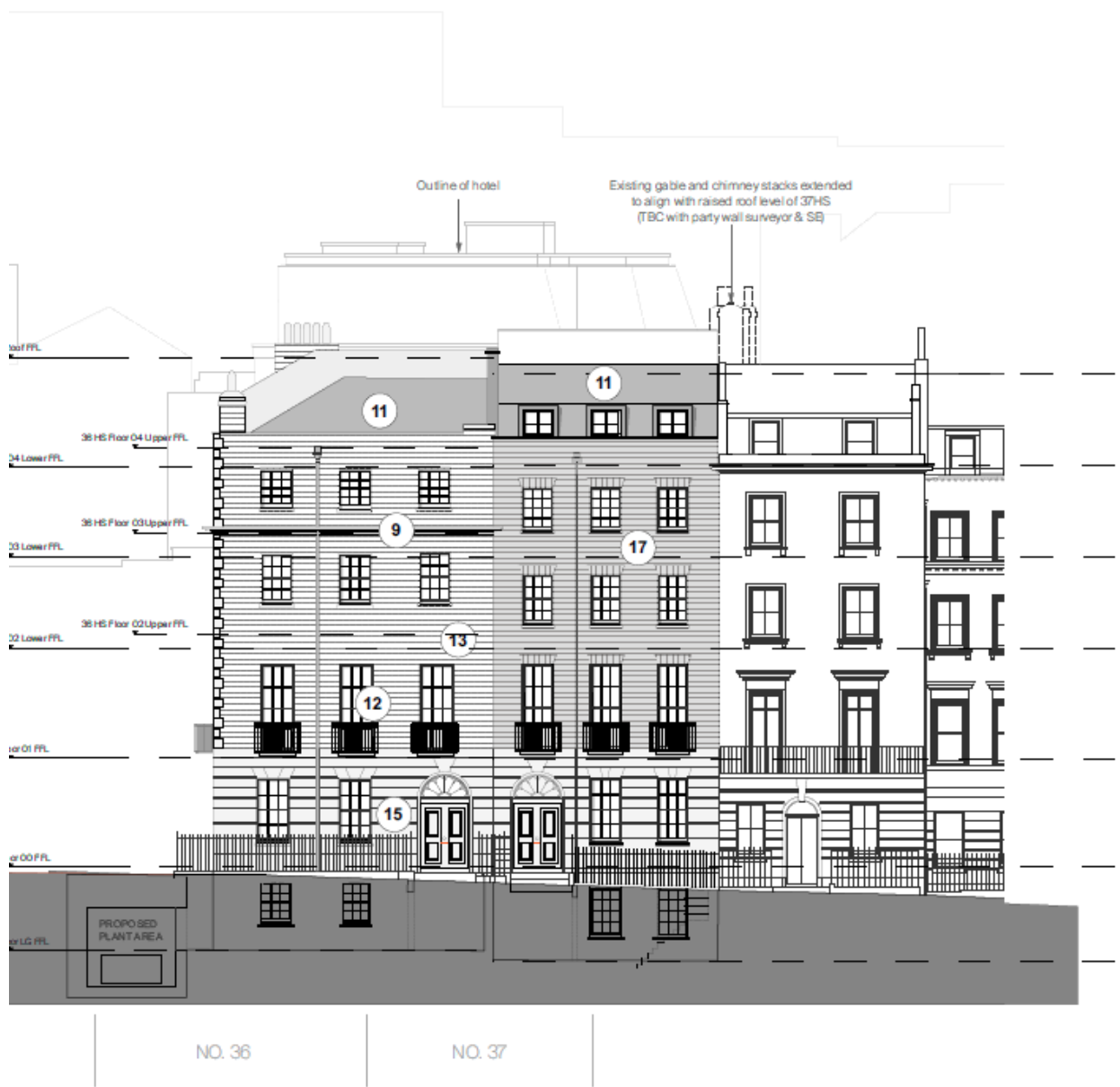


HOPE ROW

NO. 36

NO. 37

Proposed Hertford Street Elevation



DRAFT DECISION LETTER

- Address:** 2 Stanhope Row; 16 Stanhope Row, 36 And 37 Hertford Street, 16a, 16B And 17 Market Mews
- Proposal:** Demolition and replacement of existing fifth floor, demolition of existing plant room, and erection of a single storey roof extension at sixth floor to 2-6 Stanhope Row with replacement windows, terraces at fifth and sixth floors and remodelling works; demolition of 16 Stanhope Row, 16a, 16b and 17 Market Mews, excavation at basement level and erection of a four-storey (plus part basement floor) replacement building, all to provide an 82-bedroom hotel (Class C1). Demolition of 37 Hertford Street and erection of replacement building (basement to fourth floor plus mansard roof); and Internal and external alterations to 36 Hertford Street including demolition and remodelling of existing mansard roof, with new roof level plant enclosure; together with excavation at basement level to 36 and 37 Hertford Street to lower existing basement slab level; all to provide 16 residential dwellings (Class C3) along with provision for cycle parking, terraces, refuse storage and rooftop plant, together with other associated works.
- Reference:** 22/05759/FULL
- Plan Nos:** PLM-BGY-X-B1-DR-A-GA099 PL6, PLM-BGY-X-00-DR-A-GA100 PL6, PLM-BGY-X-01-DR-A-GA101 A1 PL6, PLM-BGY-X-02-DR-A-GA102 PL6 PLM-BGY-X-03-DR-A-GA103 PL6, PLM-BGY-X-04-DR-A-GA104 PL6 PLM-BGY-X-05-DR-A-GA105 PL6, PLM-BGY-X-06-DR-A-GA106 PL6 PLM-BGY-X-07-DR-A-GA107 PL6; PLM-BGY-X-AA-DR-A-GS101 PL5 PLM-BGY-X-BB-DR-A-GS102 PL2, PLM-BGY-X-CC-DR-A-GS103 PL5 PLM-BGY-X-DD-DR-A-GS104 PL2, PLM-BGY-X-EE-DR-A-GS105 PL2 PLM-BGY-X-FF-DR-A-GS106 PL2, PLM-BGY-X-HH-DR-A-GS108 PL5; PLM-BGY-X-AA-DR-A-GE101 PL7, PLM-BGY-X-BB-DR-A-GE102 PL6 PLM-BGY-X-CC-DR-A-GE103 PL6, PLM-BGY-X-DD-DR-A-GE104 PL6 PLM-BGY-X-EE-DR-A-GE105 PL6, PLM-BGY-X-FF-DR-A-GE106 PL6 PLM-BGY-X-GG-DR-A-GE107 PL6, PLM-BGY-X-HH-DR-A-GE108 PL6 PLM-BGY-X-B1-DR-A-DE099 PL2, PLM-BGY-X-00-DR-A-DE100 PL2 PLM-BGY-X-01-DR-A-DE101 PL2, PLM-BGY-X-02-DR-A-DE102 PL2 PLM-BGY-X-03-DR-A-DE103 PL2, PLM-BGY-X-04-DR-A-DE104 PL2 PLM-BGY-X-05-DR-A-DE105 PL2, PLM-BGY-X-06-DR-A-DE106 PL2 PLM-BGY-X-07-DR-A-DE107 PL2, PLM-BGY-X-AA-DR-A-DE201 PL2 PLM-BGY-X-BB-DR-A-DE202 PL2, PLM-BGY-X-CC-DR-A-DE203 PL6 PLM-BGY-X-DD-DR-A-DE204 PL2, PLM-BGY-X-EE-DR-A-DE205 PL2, PLM-BGY-X-FF-DR-A-DE206 PL1, PLM-BGY-X-GG-DR-A-DE207 PL5, PLM-BGY-X-HH-DR-A-DE208 PL5, PLM-BGY-X-AA-DR-A-DE301 PL5, PLM-BGY-X-BB-DR-A-DE302 PL2, PLM-BGY-X-CC-DR-A-DE303 PL1, PLM-BGY-X-DD-DR-A-DE304 PL2, PLM-BGY-X-EE-DR-A-DE305 PL2, PLM-BGY-X-FF-DR-A-DE306 PL2, PLM-BGY-X-XX-DR-A-PA101 PL1 PLM-BGY-X-EE-DR-A-SK107 PL1, PLM-BGY-X-EE-DR-A-SK106 PL1; STRUCTURAL REPORT DATED August 2022 (FOR INFORMATION ONLY).

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 **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 Prior to the occupation of the development the post-construction tab of the GLA's Whole Life-Cycle Carbon Assessment template should be completed in line with the GLA's Whole Life-Cycle Carbon Assessment Guidance: LPG document template (green) (london.gov.uk)

To support the results provided in the template, the following minimum evidence requirements should be submitted at the same time:

- a) site energy (including fuel) use record
- b) contractor confirmation of as-built material quantities and specifications
- c) record of material delivery including distance travelled and transportation mode (including materials for temporary works)
- d) waste transportation record including waste quantity, distance travelled and transportation mode (including materials for temporary works) broken down into material categories used in the assessment
- e) a list of product-specific EPDs for the products that have been installed. The data collected at this stage will provide an evidence base that could help inform future industry-wide benchmarks or performance ratings for building typologies.

The post-construction assessment should be submitted to the GLA at: ZeroCarbonPlanning@london.gov.uk, along with any supporting evidence as per the guidance. A copy and confirmation of submission to the GLA shall be submitted to, and approved in writing by, the local planning authority, prior to occupation of the development.

Reason:

In the interests of sustainable development as set out in policy 38 in the City Plan (2021-2040) and the Council's adopted Environmental SPD.

- 5 No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

B. Where appropriate, details of a programme for delivering related positive public benefits

C. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material.

This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

Reason:

To avoid damage to any archaeological remains on site as set out Policy 39 of the City Plan 2019 - 2040 (April 2021). (R32AD)

- 6 The provision for the storage of waste and recyclable materials for the development, as shown on drawing numbers PLM-BGY-X-00-DR-A-GA100 Revision PL5 and PLM-BGY-X-ZZ-DR-A-GA108 Revision PL5 within the waste clarification note dated 14 December 2022 is to be made permanently available and used for no other purpose.

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)

- 7 Prior to occupation of the proposed development you must provide evidence of Secure by Design Accreditation.

Reason:

To ensure that the development has been built with suitable security measures in place to minimise the risk of crime and anti-social behaviour in accordance with Policies 38 and 43 of the City Plan 2019 - 2040 (April 2021).

- 8 Customers who are not residents of the hotel, or their guests, shall not be allowed access to or remain on the premises within the hotel restaurant and bar and other ancillary facilities except between 09.00 - 23.30 Monday to Saturday and 10.00-23.00 on Sundays and Bank Holidays.

Reason:

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

- 9 i. The kitchen extract ventilation shall be limited to a recirculation system approved by the Local Planning Authority and all equipment within the premises shall operate by electricity only and not by gas or solid fuels such as coal, wood etc
- ii. Following installation of the recirculation plant and equipment, you are required to

submit a further report confirming previous details. The supplementary report must include:

- (a) A schedule of all plant and equipment installed.
- (b) Details of monitoring devices interlocked with the electric cooking equipment, such that cooking is only enabled when all parts of the system are operating.
- (c) Proof that the breakout noise in the working environment in the kitchen is not exceeding 55 dB (A)
- (d) Details of the whole ventilation scheme in the kitchen that maintains an ambient temperature of not more than 25 centigrade whilst cookline equipment is operating
- (e) Details of service / filter replacement and maintenance arrangements.

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)

- 10 You must not sell any take-away food or drink on the premises, even as an ancillary part of the hotel restaurant.

Reason:

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

- 11 The 2 No. three-bedroom residential units must be provided and each one shall thereafter be retained as a residential unit with three separate bedrooms.

Reason:

To protect family accommodation as set out in Policy 8 of the City Plan 2019 - 2040 (April 2021). (R07DD)

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

Reason:

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

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

Reason:

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

- 14 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
- (a) A schedule of all plant and equipment that formed part of this application;
 - (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
 - (c) Manufacturer specifications of sound emissions in octave or third octave detail;
 - (d) The location of most affected noise sensitive receptor location and the most affected window of it;
 - (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
 - (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
 - (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;
 - (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
 - (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as

set out in 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)

- 15 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition(s) 14 of this permission. You must not start work on this part of the development until we have approved in writing what you have sent us. (C51AB)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the 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. (R51AC)

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

Reason:

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)

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

Reason:

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

- 18 All servicing must take place between 07.00 and 19.00 on Monday to Sunday. Servicing includes loading and unloading goods from vehicles and putting rubbish outside the building.

Reason:

To protect neighbouring residents from noise nuisance, as set out in Policies 7, 16 and

33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R13FC)

- 19 You must use the parking, access, loading, unloading and manoeuvring areas shown on the approved plans only for those purposes. (C23AA)

Reason:

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

- 20 You must provide, maintain and retain the following bio-diversity features before you start to use any part of the development, as set out in your application.,

- green roofs

You must not remove any of these features. (C43FA)

Reason:

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

- 21 The glass that you put in the windows in the east elevation (overlooking the rear of 44-46 Shepherd Street); must not be clear glass, and you must fix it permanently shut. You must apply to us for approval of a sample of the glass (at least 300mm square). You must not start work until we have approved the sample. You must then fit the type of glass we have approved and must not change it without our permission. (C21DB)

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in STRA 16, STRA 17, ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BB)

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

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development, as set out Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R49BB)

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

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise as set Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R49AB)

- 24 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Condition(s) 23 of this permission. You must not start work on this part of the development until we have approved in writing what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain. (C51BB)

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development, as set out Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R49BB)

- 25 Prior to commencement of the relevant part of the development details of a system of mechanical ventilation, shall be submitted to and approved in writing by the LPA. The ventilation system shall be capable of ensuring that:

1. The internal noise levels for the noise sensitive properties do not exceed the noise levels specified in condition 23
2. The mechanical ventilation is designed in compliance with the current Technical Memorandum produced by CIBSE to prevent overheating when the windows are closed

The approved system shall be installed and operational before occupation of sensitive uses the system shall be checked and maintained in accordance with the manufacturer's specification and retained unless otherwise agreed by the local planning authority.

Reason:

To ensure a satisfactory environment for future occupiers as set out in Policy 7 of the City Plan 2019 - 2040 (April 2021)

- 26 **Pre Commencement Condition.** You must not start any demolition work on site until we have approved either;
- (a) a construction contract with the builder to complete the redevelopment work for

which we have given planning permission on the same date as this consent, or,
(b) an alternative means of ensuring we are satisfied that demolition on the site will only occur immediately prior to development of the new building.

You must only carry out the demolition and development according to the approved arrangements. (C29AC)

Reason:

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

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

Reason:

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

- 28 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 Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

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

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 Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 30 You must apply to us for approval of detailed drawings (scale 1:20 and 1:5) of the following parts of the development:;
a) All new windows,

- b) Upgrades to existing windows,
- c) The new external door to 37 Hertford Street,
- d) New balustrades to No. 37 Hertford Street

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

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 Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 31` You must apply to us for approval of a test patch of stained retained brickwork at 2-6 Stanhope Row.

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 this sample area.

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 Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

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

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 Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 33 Plant enclosures shall be finished and maintained slate grey.

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 Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

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

Omission of casement windows proposed to No. 37 Hertford Street and their replacement with sash windows.

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.

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 Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 35 You must apply to us for approval of a sample area of exposed and soot washed brickwork to 36 Hertford Street. You must not start work on this part of the development until we have approved the sample in writing. You must then carry out the work according to the approved sample area.

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 Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 36 A post construction BREEAM assessment demonstrating that a minimum target rating of 'Excellent' has been achieved. If 'Outstanding' has not been achieved confirmation of why and how this target was failed. This shall be submitted to and approved by the local planning authority within six months of first occupation. The details submitted in the BREEAM assessment shall thereafter be retained.

Reason:

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

- 37 You must provide, maintain and retain the following energy efficiency measures before you start to use any part of the development, as set out in your application.

PV panels and Air Source Heat Pumps

You must not remove any of these features. (C44AA)

Reason:

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

- 38 You must apply to us for approval of details showing the location of connection points to enable connection to any future district heating network. 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 prior to the occupation of the hotel.

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)

- 39 You must not use the second floor rear flat roof or the east and north-facing terraces/balconies of the hotel building for sitting out or for any other purpose. You can however use them for maintenance purposes or to escape in an emergency. (C21AA)

Reason:

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

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

Reason:

In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 41 {b 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)

- 42 You must apply to us for approval of details of a biodiversity management plan in relation to the green roofs. You must not start work on this part of the development until we have approved in writing what you have sent us. You must carry out the measures in the biodiversity management plan according to the approved details before you start to use the building. (C43CA)

Reason:

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

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 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , www.westminster.gov.uk/cil , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form** , CIL forms are available from the planning on the planning portal: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil , Forms can be submitted to CIL@Westminster.gov.uk , **Payment of the CIL charge is mandatory and there**

are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.

- 3 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to contact to our Environmental Sciences Team (email: environmentalsciences2@westminster.gov.uk) to make sure that you meet all the requirements before you draw up contracts for demolition and building work. , , When a contractor is appointed they may also wish to make contact with the Environmental Sciences Team before starting work. The contractor can formally apply for consent for prior approval under Section 61, Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required the authority may serve a notice on the site/works setting conditions of permitted work (Section 60, Control of Pollution Act 1974)., , British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work., , An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.
- 4 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.
- 5 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.

- 6 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, for example by issuing regular bulletins about site progress.
- 7 Written schemes of investigation will need to be prepared and implemented by a suitably professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 8 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to residential re-provision, highway works and energy monitoring. (I55AA)
- 9 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.

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.

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

DRAFT DECISION LETTER

Address: 2-6 Stanhope Row; 16 Stanhope Row, 36 And 37 Hertford Street, 16a, 16B And 17 Market Mews

Proposal: Internal and external alterations to 36 Hertford Street including demolition and remodelling of existing mansard roof, with new roof level plant enclosure. (Linked with 22/05759/FULL)

Reference: 22/05744/LBC

Plan Nos: PLM-BGY-X-B1-DR-A-GA099 PL6, PLM-BGY-X-00-DR-A-GA100 PL6, PLM-BGY-X-01-DR-A-GA101 A1 PL6, PLM-BGY-X-02-DR-A-GA102 PL6, PLM-BGY-X-03-DR-A-GA103 PL6, PLM-BGY-X-04-DR-A-GA104 PL6, PLM-BGY-X-05-DR-A-GA105 PL6, PLM-BGY-X-06-DR-A-GA106 PL6, PLM-BGY-X-07-DR-A-GA107 PL6; PLM-BGY-X-AA-DR-A-GS101 PL5, PLM-BGY-X-BB-DR-A-GS102 PL2, PLM-BGY-X-CC-DR-A-GS103 PL5, PLM-BGY-X-DD-DR-A-GS104 PL2, PLM-BGY-X-EE-DR-A-GS105 PL2, PLM-BGY-X-FF-DR-A-GS106 PL2, PLM-BGY-X-HH-DR-A-GS108 PL5; PLM-BGY-X-AA-DR-A-GE101 PL7, PLM-BGY-X-BB-DR-A-GE102 PL6, PLM-BGY-X-CC-DR-A-GE103 PL6, PLM-BGY-X-DD-DR-A-GE104 PL6, PLM-BGY-X-EE-DR-A-GE105 PL6, PLM-BGY-X-FF-DR-A-GE106 PL6, PLM-BGY-X-GG-DR-A-GE107 PL6, PLM-BGY-X-HH-DR-A-GE108 PL6, PLM-BGY-X-B1-DR-A-DE099 PL2, PLM-BGY-X-00-DR-A-DE100 PL2, PLM-BGY-X-01-DR-A-DE101 PL2, PLM-BGY-X-02-DR-A-DE102 PL2, PLM-BGY-X-03-DR-A-DE103 PL2, PLM-BGY-X-04-DR-A-DE104 PL2, PLM-BGY-X-05-DR-A-DE105 PL2, PLM-BGY-X-06-DR-A-DE106 PL2, PLM-BGY-X-07-DR-A-DE107 PL2, PLM-BGY-X-AA-DR-A-DE201 PL2, PLM-BGY-X-BB-DR-A-DE202 PL2, PLM-BGY-X-CC-DR-A-DE203 PL6, PLM-BGY-X-DD-DR-A-DE204 PL2, PLM-BGY-X-EE-DR-A-DE205 PL2, PLM-BGY-X-FF-DR-A-DE206 PL1, PLM-BGY-X-GG-DR-A-DE207 PL5, PLM-BGY-X-HH-DR-A-DE208 PL5, PLM-BGY-X-AA-DR-A-DE301 PL5, PLM-BGY-X-BB-DR-A-DE302 PL2, PLM-BGY-X-CC-DR-A-DE303 PL1, PLM-BGY-X-DD-DR-A-DE304 PL2, PLM-BGY-X-EE-DR-A-DE305 PL2, PLM-BGY-X-FF-DR-A-DE306 PL2, PLM-BGY-X-XX-DR-A-PA101 PL1, PLM-BGY-X-EE-DR-A-SK107 PL1, PLM-BGY-X-EE-DR-A-SK106 PL1;

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:

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

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

Reason:

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

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

Reason:

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

- 4 You must apply to us for approval of detailed drawings (scale 1:20 and 1:5) of the following parts of the development: , a) All new windows, b) Upgrades to existing windows, c) The new external door to 37 Hertford Street, d) New railings to No. 37 Hertford Street, e) All new window linings within 36 Hertford Street, f) All new doors within the 36 Hertford Street, g) All new cornicing, skirtings within 36 Hertford Street , h) Roof insulation build-up within 36 Hertford Street, i) Floor build-up within 36 Hertford Street, , You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these drawings.

Reason:

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

- 5 You must apply to us for approval of a test patch of stained brickwork at 2-6 Stanhope Row. , 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 this sample area.

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)

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

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)

- 7 Plant enclosures shall be finished and maintained slate grey.

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)

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

Omission of casement windows proposed to No. 37 Hertford Street and their replacement with sash windows.

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.

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)

- 9 You must apply to us for approval of a sample area of exposed and soot washed brickwork to 36 Hertford Street. You must not start work on this part of the development until we have approved the sample in writing. You must then carry out the work according to the approved sample area.

Reason:

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

- 10 You must apply to us for approval of method statements outlining: , ,

a) how the cantilevered stone stair at 36 Hertford Street will be supported and protected during the construction works,

b) Any proposed repairs and restoration work to the cantilevered stone stair at 36 Hertford Street

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 this statement.

Reason:

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

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan (March 2021), the City Plan (April 2021), as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council has had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and has decided that the proposed works would not harm this special architectural or historic interest; or where any harm has been identified it has been considered acceptable in accordance with the NPPF.

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Item No.
2

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 21 February 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved Marylebone	
Subject of Report	4 Queen Anne Street, London, W1G 9LQ		
Proposal	Installation of replacement air conditioning unit within acoustic enclosure and replacement of window panels.		
Agent	Firstplan Ltd		
On behalf of	Bass Orthodontics Limited		
Registered Number	20/05462/FULL and 20/05463/LBC	Date amended/ completed	28 August 2020
Date Application Received	28 August 2020		
Historic Building Grade	II		
Conservation Area	Harley Street		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

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

2. SUMMARY & KEY CONSIDERATIONS

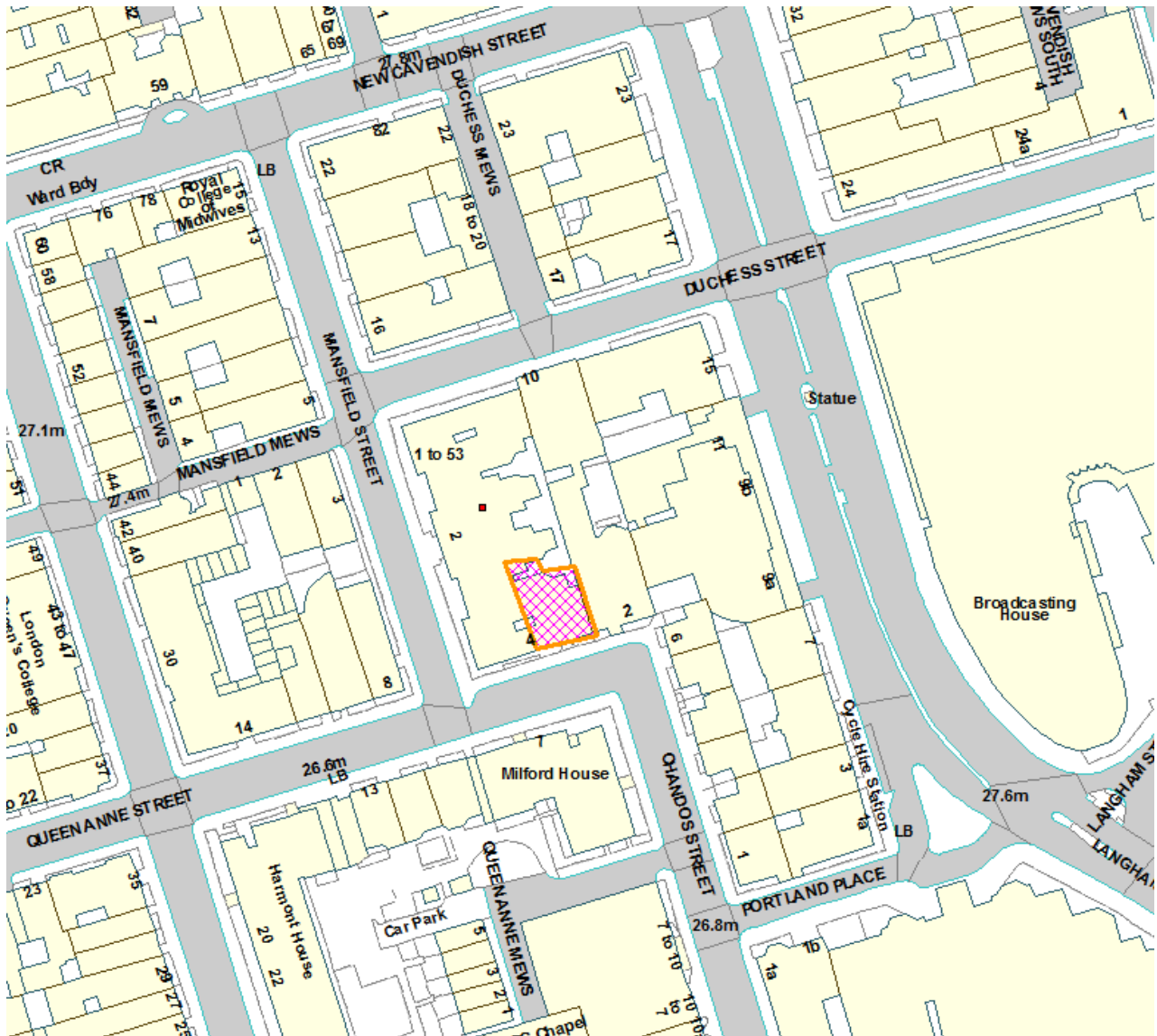
<p>The application relates to the lower and upper ground floors of 4 Queen Anne Street, a grade II listed building, which is currently in use as dental surgeries, and shares a rear area with residential apartments in the upper storeys of 4 Queen Anne Street and at 2 Mansfield Street. Planning permission is now sought for the removal of existing air conditioning units, installation of replacement air conditioning unit within acoustic enclosure and replacement of window panels. There have been objections to the proposal, primarily on design/heritage and amenity grounds.</p>
--

The key considerations in this case are:

- The impact on the amenity of neighbouring residential properties.
- The impact of the proposed plant on the special interest of the building and the character and appearance of the Harley Street Conservation Area.

For the reasons set out in the main report, it is considered that the proposal, with conditions, is acceptable in land use, design and amenity a terms and neighbouring residential occupiers would not be unduly harmed. As such, the applications are recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



4 Queen Anne Street – front elevation



4 Queen Anne Street (rear) existing plant location



4 Queen Anne Street – proposed plant location

5. CONSULTATIONS

5.1 Application Consultations

AMENITY SOCIETY (Marylebone Association)

Any response to be reported verbally

ENVIRONMENTAL SCIENCES

No objection in principle, subject to conditions. Refers to queries raised by one of the objectors about aspects of the applicant's acoustic report, but is satisfied with the information that has been submitted.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 91

Total No. of replies: 5

No. of objections: 5

No. in support: 0

Five objections have been received from three objectors, one on design grounds and the remainder on amenity grounds.

The design objections relate to the accuracy of the applicants design access and heritage statement, the detail of the drawing of the acoustic enclosure and the impact of the works on the special interest of the listed building.

The amenity objections relate to the methodology of the acoustic report, access to a gully, the impact of noise on residential occupiers, and whether there are preferable locations for the plant.

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

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 site is a grade II listed building of 1927 and is located within the Harley Street Conservation Area. It is immediately adjacent to the grade I listed Chandos House. It is outside the Central Activities Zone.

The site was built as a block of mansion flats, with the main entrance at 2 Mansfield Street. The entrance on Queen Anne Street serves the medical uses at ground and lower ground floor.

The two street elevations have different architectural treatments, but share a common rear area.

7.2 Recent Relevant History

4 Queen Anne Street (with 2 Mansfield Street) was listed at grade II in 2002. At this time there was a single piece of plant on the rear elevation. Since this time the previously existing condenser unit has been replaced, and two further units added adjacent to the original. There are two further items of plant located at ground level which do not form part of the current application and are being dealt with separately.

The units have all been the subject of ongoing enforcement investigations.

8. THE PROPOSAL

Permission is sought for the installation of one air conditioning unit within an acoustic enclosure in the shared rear area of 4 Queen Anne Street and 2 Mansfield Street.

At the time of listing (March 2002) there was a single condenser unit on the rear elevation at upper ground floor level. Since this time there have been a further two units added to the rear elevation – these do not have the benefit of listed building consent.

The current proposal seeks to remove all of the plant, both lawful and more recent, from the rear elevation (at upper ground floor level) into a new acoustic enclosure at lower ground floor level.

The acoustic enclosure is to be located within a recess in the rear of 4 Queen Anne

Street, in front of a sash window serving one of the dentist units.

The proposed plant enclosure is to be constructed in timber and clad in lead.

The proposal also seeks to change an existing, improvised ventilation insert in an upper ground floor sash window for a metal version, and to rationalise the existing runs of pipework on the rear of the building.

9. DETAILED CONSIDERATIONS

9.1 Land Use

The proposal does not give rise to any land use issues. It relates to existing an existing dental practice that appears to be long-standing.

One objection has been received related to land use, stating that the applicant's design and access and heritage statements are flawed, in that (amongst other things addressed in the design section below) that the statement overstates the importance of medical uses to the character and appearance of the conservation area. Medical uses are considered to be a community use, which are generally protected by Council policy (Policy 17 of the City Plan). The site is also very close to the Harley Street Special Policy Area, world renowned for its medical uses, which forms a significant part of the Harley Street Conservation Area. Whether the importance of the existing dental practices has been over-stated is debatable but it is clearly a use protected by Council policy that is considered to contribute to the character and function of the Conservation Area.

9.2 Townscape, Design & Heritage Impact

Legislative & Policy Context

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

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the LBCA Act') requires that *"In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

Section 66 of the LBCA Act requires that *"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

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

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 relevant City Plan policies in terms of the detailed design and impact on heritage assets are policy 38 (Design principles) and policy 39 (Westminster's heritage).

4 Queen Anne Street is a part of a larger block of mansion flats built in 1927 for the Howard Walden estate. It is grade II listed. The architects were HW Wills and W Kaula. The front elevations are in a classical style, faced with Portland stone at ground floor and in red brick to the upper floors of Queen Anne Street.

To the rear the building is painted brick at lower ground floor level and glazed brick above. Windows are timber sash. The rear area has a utilitarian, though neat, appearance which is typical of a building of this age and type.

The existing plant on the rear elevation of the building is located in a relatively prominent position (though within the context of a utilitarian rear lightwell which is little overlooked). There was an item plant in this location at the time of listing in 2002, although the units have been changed since this time. Two of the units do not appear to benefit from listed building consent.

The proposed new location for the plant is within a setback of 4 Queen Anne Street. As a position for plant, it is considered to be an improvement on the existing. The existing service run enters 4 Queen Anne Street through one pane of an upper ground floor sash window. The current proposal returns this pane to clear glazing and the service route would instead pass through the wall at lower ground floor level. This arrangement is more satisfactory in terms of visual clutter on the rear elevation.

The plant enclosure itself, at 1.8m tall, is higher than the cill of the adjacent window. Ideally, the enclosure would be below cill level but given that the window in question serves the dentist's surgery, as the unit is tucked out of sight and as, overall, it represents an improvement on the visually intrusive units in their current position, the height and location of the unit is considered to be acceptable in design terms.

The acoustic enclosure is proposed in timber and lead, which will also represent an improvement on the unscreened existing plant.

Also shown on the proposed plans are changes to existing vents in another ground floor window. Two panes in this window have been replaced by timber panels containing vents. The proposed works change these panels to painted aluminium panels.

One objection has been received on design and heritage grounds. The objection states that the applicant's design and access and heritage statements are flawed, in that they downplay the architectural or historic significance of the rear elevation of the building, that they fail to assess the impact of the proposal on the grade I listed Chandos House

(adjacent) and that the statement overstated the importance of medical uses to the character and appearance of the conservation area (addressed in the Land Use section above). The objection further states that the drawing of the acoustic enclosure lacks sufficient detail, that there are insufficient photos of the rear of the building in the application pack, that the proposals have a harmful impact on character of lightwell, that they are harmful to appearance of the listed building.

The emphasis in the applicants' design and access and heritage statements on the front elevation of the building is reasonable. However it is certainly the case that the rear and service elevations of listed buildings do have significance, albeit often lesser than the principal elevations, and in decision making the local authority should seek to protect that significance.

Chandos House is a grade I listed building immediately adjacent to the application site. It is separated from lightwell of 4 Queen Anne Street by a tall party wall. It is not considered that there will be an impact on the setting or fabric of that listed building.

As set out above, the proposed acoustic enclosure is to be installed in a recessed area, minimising its effect on the character and appearance of this part of the conservation area, and on the special interest of the listed building. The proposal results in less visually obtrusive equipment because, though the enclosure is bulkier, it will also be enclosed, and in a more discreet location.

The level of detail shown in the drawings is considered to be adequate, and the performance of the equipment and enclosure will be ensured by condition.

The proposals are therefore considered to comply with relevant City Plan design policies.

9.3 Residential Amenity

Noise & Vibration

In relation to noise from the proposed plant the application has been considered in the context of policies 7 and 33 of the City Plan. These policies seek to protect nearby occupiers of noise sensitive properties and the area generally from excessive noise and disturbance, including that resulting from plant.

Some of the existing units at the rear of the property, associated with the applicant's business, would be removed and replaced with a single larger unit within an acoustic enclosure. There are an additional two units in the rear courtyard area associated with a neighbouring business.

The Environmental Services Officer (ESO) considers that the background noise level used in the acoustic report are inflated by the operation of plant in the vicinity as the noise level increases at 08:00 daily. The proposal has therefore been assessed on the basis of the noise levels at 07:45 to calculate the lowest background noise level in the vicinity.

In addition to the original acoustic report provided in support of the application, a

technical addendum has also been provided and an acoustic report supplied on behalf of an objector on the upper floors of the building. There is disagreement between the applicants' and objector's acoustic consultants as to the application of an additional 5 dB penalty for the potential tonality or intermittency exhibited by the proposed mechanical plant. To ensure a robust worst-case scenario the ESO has also confirmed the requirement for a further 5dB noise reduction. This would mean that the design level for the proposed mechanical plant is set at 33 dB LPA. The design criteria has therefore been calculated as 33dB (being 5dB below background noise level with a further 5dB for tonality) with potential hours of operation of the plant between 08:00 and 19:30 daily being required.

The nearest sensitive properties are identified as being a residential flat two storeys above and 5 metres from the proposed plant location. In addition, there are also flats approximately 8 metres away at 2 Mansfield Street. Windows to these flats are further away from the proposed plant and are also screened by the building fabric.

A technical specification for the proposed acoustic enclosure has been provided. This specification includes details of the insertion loss provided by the enclosure. The enclosure is to go in a reverberant lightwell area. It is predicted that, with attenuation from distance and from the enclosure, that the proposed mechanical plant is likely to produce a maximum sound pressure level of 27 dB LPA at the Mansfield Street receptors. These calculations have been verified by the ESO and are considered accurate.

Standard conditions are included in relation to hours of operation (08:00 till 19:30), acceptable levels of noise and vibration from the plant operation as well as a requirement for the installation of the acoustic enclosure prior to the operation of the plant. With these conditions in place it is considered that the proposal will safeguard the amenity of neighbouring occupiers.

It is noted that the existing plant is the subject of a complaint to the Council's Noise Team. Officers have visited the site and conclude that the operation of the existing plant does not result in a statutory nuisance.

An objection has been received on the ground that the plant installation will result in a loss of light. Although the enclosure projects slightly above the cill of the adjacent window to the dental surgery, it is not considered that the proposals would affect the level of light received to the extent that the operation of the dental surgery would be affected. Consequently, it is not considered that this objection could be supported and the proposals complies with policy 7.

Two objections mention that the proposed acoustic enclosure would cover a small drain or gully cover. The applicant will need to make necessary arrangements to ensure that access to this gully, and that the installation does not impede necessary maintenance.

An objection to the scheme notes that there are at present five separate pieces of plant equipment in the rear area, and that the current application seeks only to address three of these. The objector feels that all items of plant should be addressed as a single operation. While it would be desirable to deal with all the plant in a single application, the City Council can only address what is before it in an application. There is no scope

to insist that further works are brought within an application. The remaining two units do form the subject of a separate application.

The objector further states that the operation of the two pieces of plant not covered by this application have distorted the results of the acoustic survey. This objection is addressed in the EHOs comments.

The objection goes on to state that the acoustic properties of the enclosure are unverified, and proposes that the units be sited on the roof. A condition requiring a supplementary acoustic report will ensure that the enclosure functions as it is intended to. A rooftop location for the plant does not form part of this application, and again, the City Council can only consider the acceptability of what is before it.

9.4 Other Considerations

None.

9.5 Environmental Impact Assessment

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

9.6 Planning Obligations & Pre-Commencement Conditions

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

10. Conclusion

Subject to appropriate conditions the proposal accords with development plan policies, specifically Policies 7, 33, 38, 39 and 40 of Westminster's City Plan.

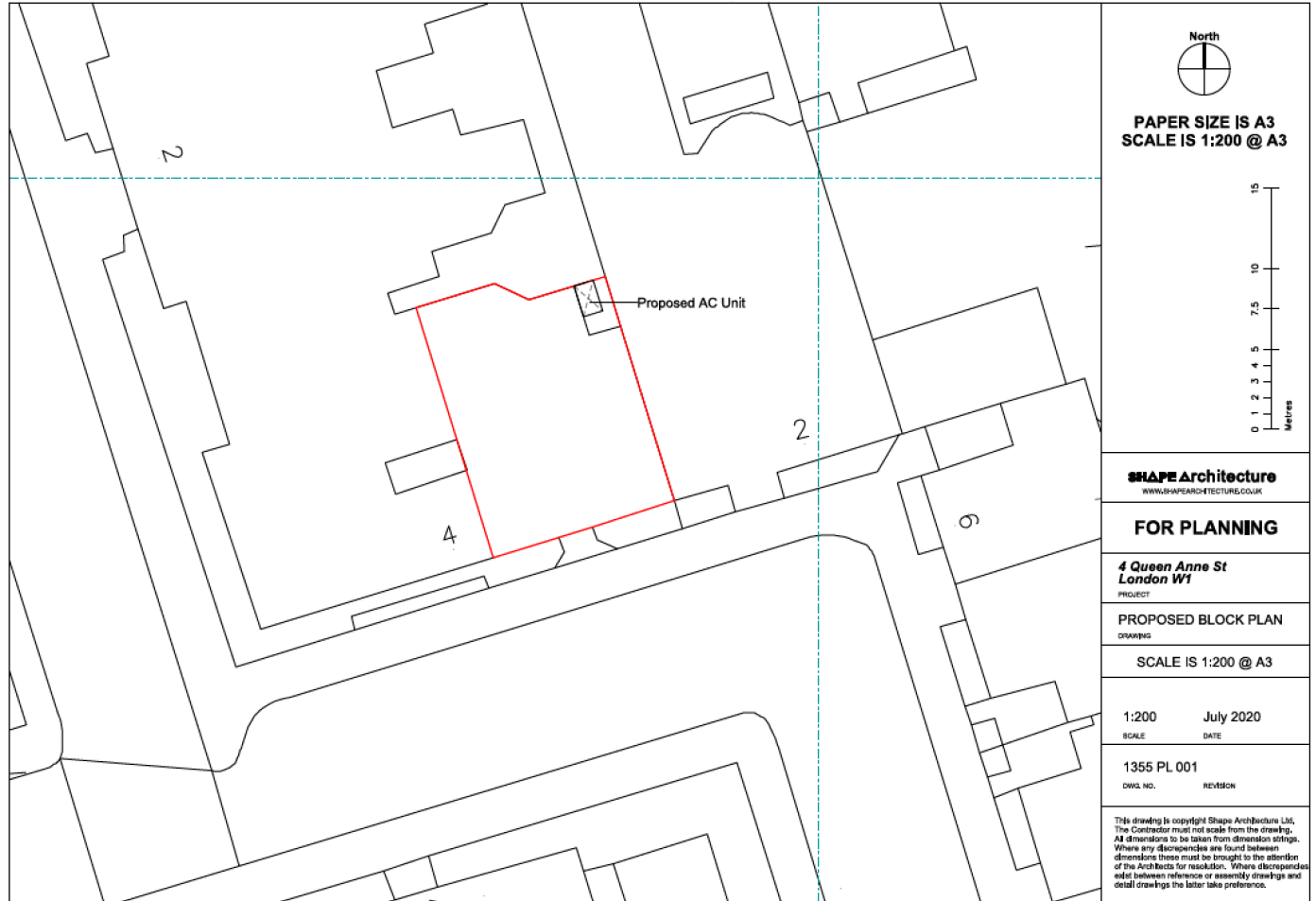
In terms of heritage impact, the proposal is considered acceptable, mindful of policies 38, 39 and 40 of the City Plan 2019-2040 and therefore, a recommendation to grant conditional permission would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990. The application is therefore recommended for conditional approval.

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

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

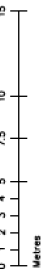
11. KEY DRAWINGS

Proposed plan showing location of new unit relative to existing buildings



North

PAPER SIZE IS A3
SCALE IS 1:200 @ A3



SHAPE Architecture
 WWW.SHAPEARCHITECTURE.CO.UK

FOR PLANNING

4 Queen Anne St
London W1
 PROJECT

PROPOSED BLOCK PLAN
 DRAWING

SCALE IS 1:200 @ A3

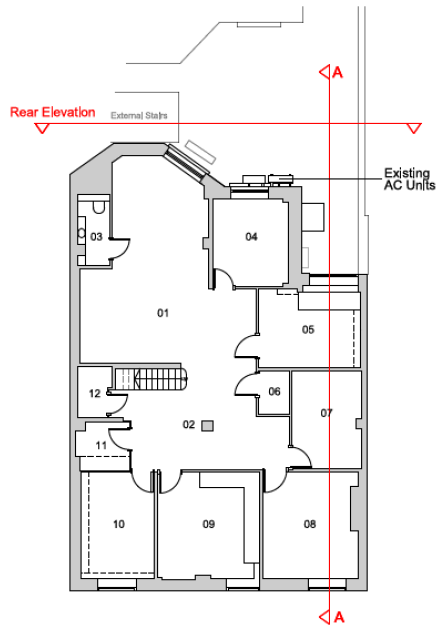
1:200 July 2020
 SCALE DATE

1355 PL 001
 DWG. NO. REVISION

This drawing is copyright Shape Architecture Ltd. The Contractor must not scale from the drawing. All dimensions to be taken from dimension strings. Where any discrepancies are found between dimensions these must be brought to the attention of the Architects for resolution. Where discrepancies exist between reference or assembly drawings and detail drawings the latter take preference.

Existing lower ground floor plan

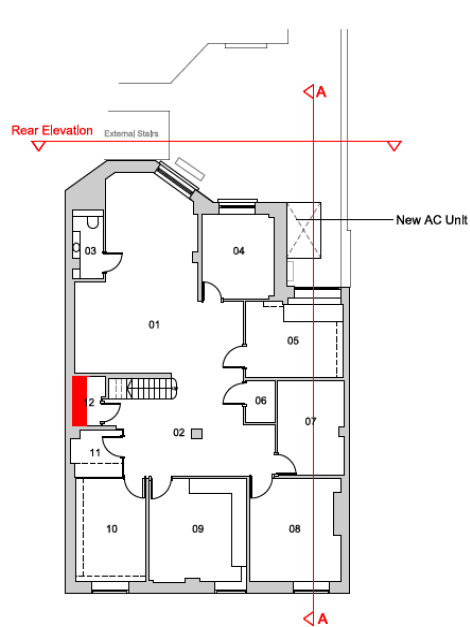
- Key
- 01 Waiting Room
 - 02 Hall
 - 03 W/C
 - 04 Surgery 1
 - 05 Surgery 2
 - 06 Storage
 - 07 Laboratory
 - 08 Dentist Room
 - 09 Surgery 3
 - 10 Doctor's Office
 - 11 Storage
 - 12 Compressor Room



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				FOR PLANNING	Existing Lower Ground Floor <small>DRAWING</small>	1354 SU03 <small>DWG. NO. REVISION CHECKED</small>

Proposed lower ground floor plan

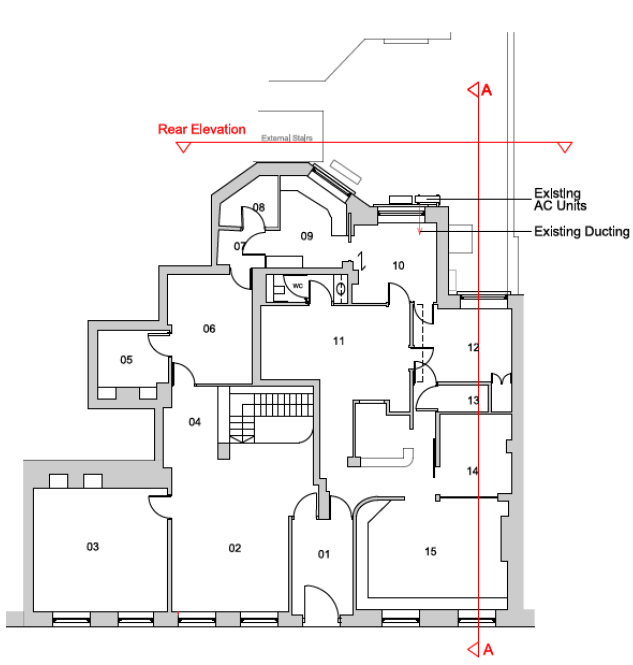
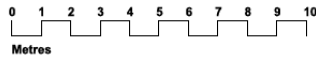
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- 01 Waiting Room
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				FOR PLANNING	Proposed Lower Ground Floor <small>DRAWING</small>	1354 PL02 <small>DWG. NO. REVISION CHECKED</small>

Existing ground floor plan

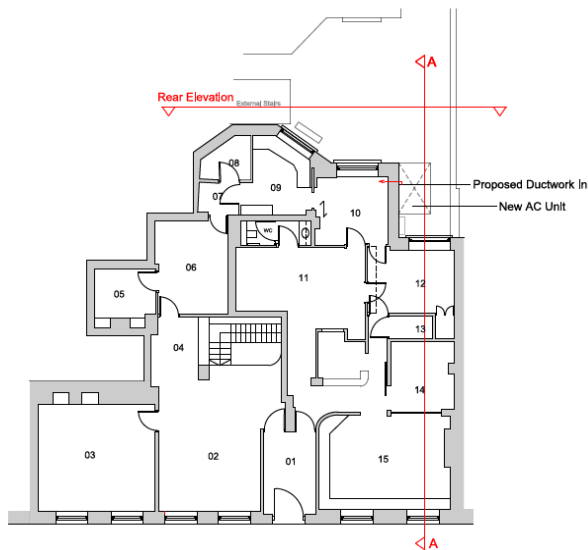
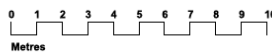
- Key
- 01 Lobby
 - 02 Hall
 - 03 Office
 - 04 Lobby
 - 05 Kitchen
 - 06 Staff Room
 - 07 Store
 - 08 WC
 - 09 X-Ray Room
 - 10 X-Ray Room
 - 11 Waiting Room
 - 12 Office
 - 13 Store
 - 14 Surgery
 - 15 Surgery



<p>drawing is copyright Shape Architecture Ltd. Contractor must not scale from the drawing. Dimensions to be taken from dimensioned settings. In any discrepancies are found between plans these must be brought to the attention of Architects for resolution. Where discrepancies between reference or assembly drawings and I drawings the latter take preference.</p>		<p>SHAPE Architecture WWW.SHAPEARCHITECTURE.CO.UK</p>	<p>4 Queen Anne St Marylebone, London W1G 9LQ</p>	<p>1:100 @ A3 July 2020</p>
		<p>FOR PLANNING</p>	<p>Existing Ground Floor</p>	<p>1354 SU04</p>

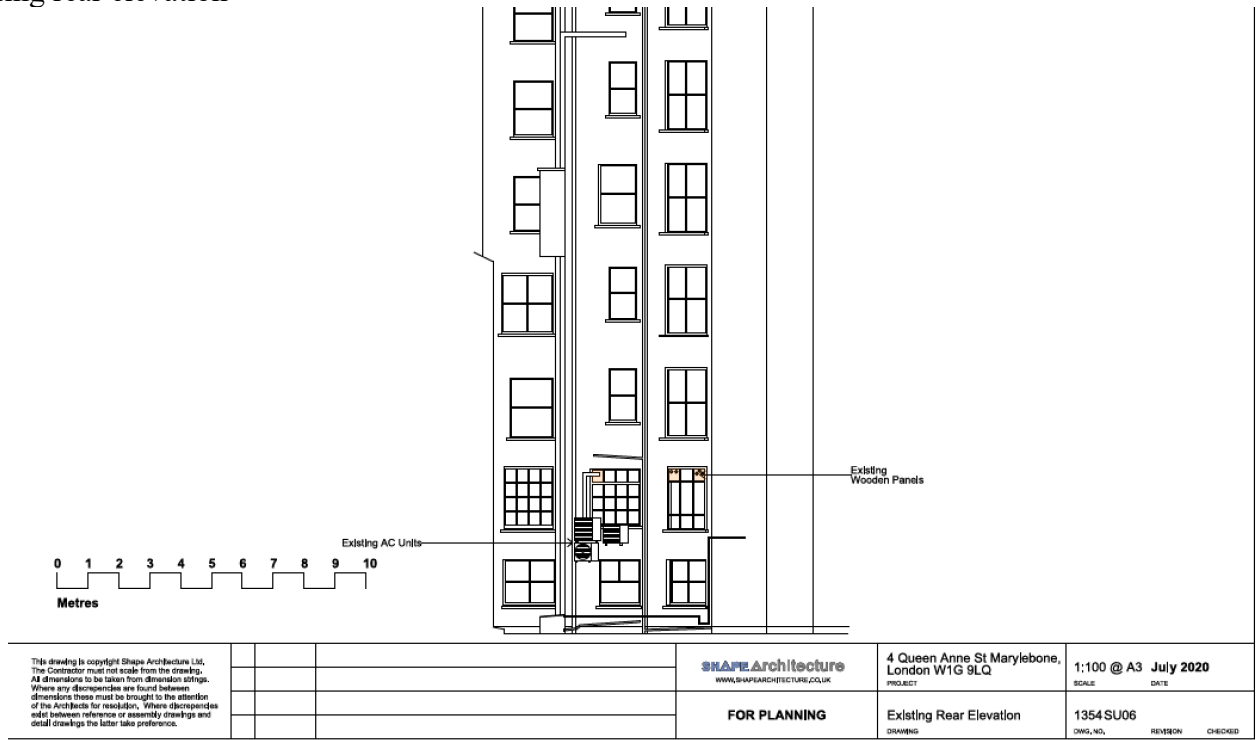
Proposed ground floor plan

- Key
- 01 Lobby
 - 02 Hall
 - 03 Office
 - 04 Lobby
 - 05 Kitchen
 - 06 Staff Room
 - 07 Store
 - 08 WC
 - 09 X-Ray Room
 - 10 X-Ray Room
 - 11 Waiting Room
 - 12 Office
 - 13 Store
 - 14 Surgery
 - 15 Surgery

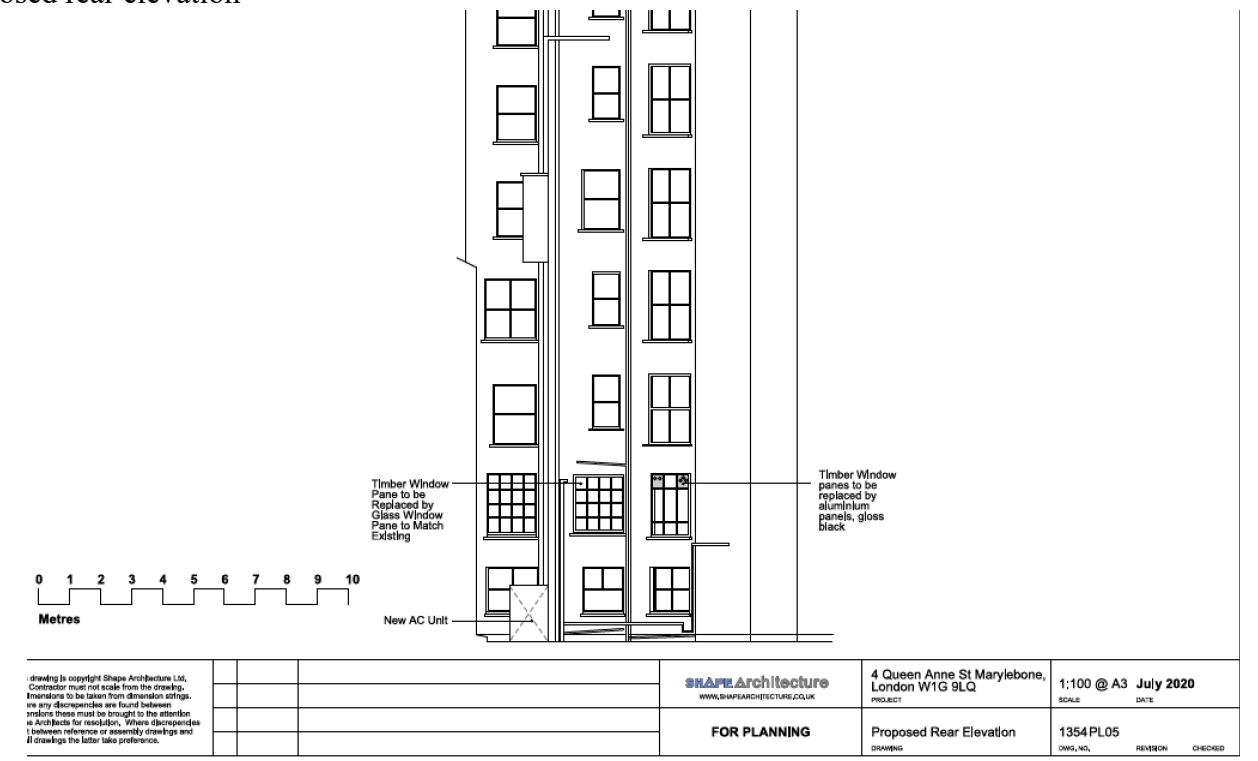


<p>drawing is copyright Shape Architecture Ltd. Contractor must not scale from the drawing. Dimensions to be taken from dimensioned settings. In any discrepancies are found between plans these must be brought to the attention of Architects for resolution. Where discrepancies between reference or assembly drawings and I drawings the latter take preference.</p>		<p>SHAPE Architecture WWW.SHAPEARCHITECTURE.CO.UK</p>	<p>4 Queen Anne St Marylebone, London W1G 9LQ</p>	<p>1:100 @ A3 July 2020</p>
		<p>FOR PLANNING</p>	<p>Proposed Ground Floor</p>	<p>1354 PL03</p>

Existing rear elevation



Proposed rear elevation



DRAFT DECISION LETTER - PLANNING

Address: 4 Queen Anne Street, London, W1G 9LQ

Proposal: Removal of existing air conditioning units, installation of replacement air conditioning unit within acoustic enclosure and replacement of window panels.

Reference: 20/05462/FULL

Plan Nos: Documents: Acoustic Report (EEC/EC17255-6) and the Technical Addendum (EC17255-7), Drawings: PL006; 1354PL02; 1354PL03; 1354PL04; 1354PL05

Case Officer: Toby Cuthbertson **Direct Tel. No.** 020 7641
07866039110

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 remove all redundant plant, fixtures, fittings and cabling before the units hereby approved can be installed.

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

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

Reason:

As set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the 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)

- 5 The plant/machinery hereby permitted shall not be operated except between 08:00 hours and 19:30 hours daily. (C46CA)

Reason:

To safeguard the amenity of occupiers of noise sensitive receptors and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) the Environmental Supplementary Planning Document (February 2022). (R46CC)

- 6 You must install the acoustic enclosure around the plant unit at the same time as the plant is installed and to the specification detailed in the Acoustic Report (EEC/EC17255-6) and the Technical Addendum (EC17255-7). It must thereafter be maintained in this form for as long as the plant remains in place.

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

- 9 You must not operate the plant/ machinery that we have allowed (other than to carry out the survey required by this condition) until you have carried out and sent us a post-commissioning noise survey and we have approved the details of the survey in writing. The post-commissioning noise survey must demonstrate that the plant/ machinery complies with the noise criteria set out in conditions 4 and 7 of this permission.

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 by contributing to reducing excessive ambient noise levels. (R51BC)

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 Conditions 4 and 5 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)

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: 4 Queen Anne Street, London, W1G 9LQ

Proposal: Removal of existing air conditions units, installation of replacement air conditioning unit within acoustic enclosure and replacement of window panels. (Linked to 20/05462/FULL)

Reference: 20/05463/LBC

Plan Nos: PL006; 1354PL02; 1354PL03; 1354PL04; 1354PL05

Case Officer: Toby Cuthbertson **Direct Tel. No.** 020 7641
07866039110

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 Harley Street Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 3 You must remove all redundant plant, fixtures, fittings and cabling before the units hereby approved can be installed.

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 Harley Street

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.

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

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Item No.
3

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 21 February 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved West End	
Subject of Report	30-32 Bruton Place, London, W1J 6NL		
Proposal	Use of 32 Bruton Place as a drinking establishment with expanded food provision (sui generis) to form extension to existing Guinea Grill at 30 Bruton Place, alterations to shopfront, replacement upper floor windows and rationalisation of plant on roof of No. 30 and 32.		
Agent	Planning Potential Ltd.		
On behalf of	Young & Co's Brewery PLC		
Registered Number	22/06655/FULL	Date amended/ completed	3 October 2022
Date Application Received	3 October 2022		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		
Neighbourhood Plan	Mayfair Neighbourhood Plan		

1. RECOMMENDATION

Grant conditional planning permission

2. SUMMARY & KEY CONSIDERATIONS

The application proposes the change of use of 32 Bruton Place to a public house (Sui Generis) facilitating an increased floorspace of 215 sqm for the existing Guinea Grill at 30 Bruton Place. Alterations to shopfront, replacement upper floor windows and rationalisation of plant on roof are also proposed.

The key considerations in this case are:

- The acceptability of the loss of 215 sqm of retail gallery (Class E) floorspace at 32 Bruton Place.

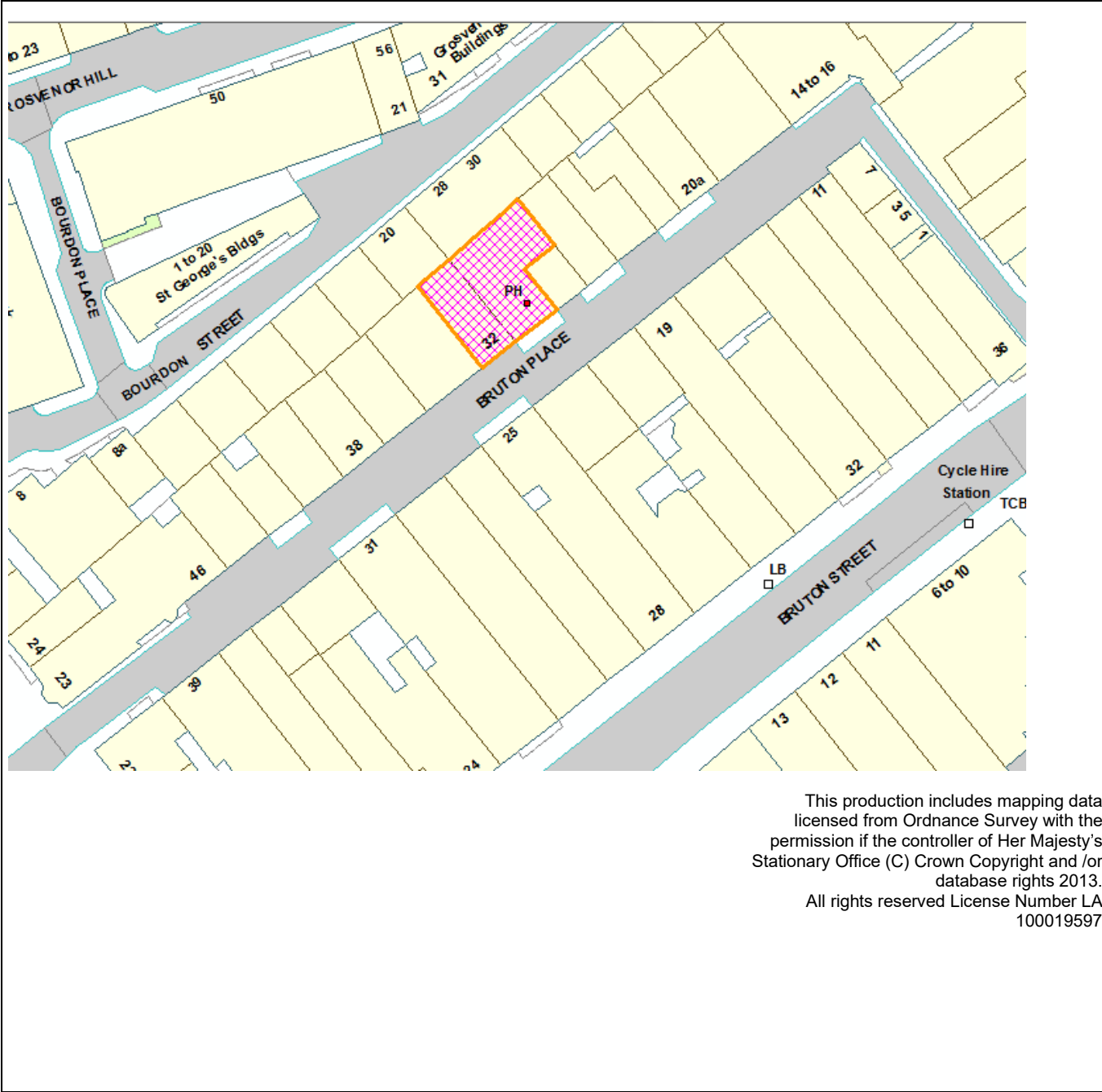
- The acceptability of the increased public house (Sui Generis) use raising the existing internal floorspace from 407sqm to 622sqm.
- The impact on the amenity of neighbouring residential properties.

The Guinea Grill, whilst considered a traditional pub and restaurant, focuses much of its attention on its restaurant function, serving dry aged, grass-fed British beef from an open grill, and has become well known for its high standards. The Guinea Grill had already temporarily expanded to a neighbouring property directly opposite to the application site at 23 Bruton Place, previously the Pizza Express, during the covid pandemic. The applicant confirms they have already surrendered their lease on this site in order to relocate into 32 Bruton Place, allowing the direct link to the existing kitchen and bar.

The expansion in to 32 Bruton Place provides a modest increase in floorspace (215sqm) to the public house, which will continue to offer a complementary entertainment and food and drink culture. Notwithstanding the objections that have been received, it is considered that the proposal is not likely to be harmful to residential amenity nor harmful to the vitality and character of this part of Mayfair.

Subject to appropriate conditions, the proposals are considered acceptable and to comply with relevant adopted City Plan 2019-2040 policies as set out in the main report and are therefore recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Photograph of No. 30-32 Bruton Place



5. CONSULTATIONS

5.1 Application Consultations

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

MAYFAIR RESIDENTS GROUP:
Any response to be reported verbally

MAYFAIR NEIGHBOURHOOD FORUM:
Any response to be reported verbally

ENVIRONMENTAL HEALTH: No objection subject to standard noise conditions

HIGHWAYS PLANNING MANAGER: Initially recommended the application be refused due to insufficient vertical clearance of awnings. The awnings have since being omitted from the proposed scheme.

CLEANSING: Requested further details regarding waste storage provision. A condition has been included to safeguard further details regarding waste storage provision.

ADJOINING OWNERS / OCCUPIERS

No. of original consultees: 28

No. Consulted: Three Objections (2 of which are from the same objector) and One general comment received raising the following concerns;

- waste operations associated with The Guinea Grill;
- waste and barrels are constantly stored outside the premise on the public footpath throughout the day and should be limited to half an hour before collection.
- people management, traffic and deliveries and noise concerns from the enlargement of the premises.
- concerns that the Outside Management Policy submitted with the licence application is not robust enough to control the outside use.

SITE & PRESS NOTICE

Yes.

5.2 Applicant's Pre-Application Community Engagement

Engagement was carried out by the applicant with the local community with display boards erected in the windows of the Guinea Grill inviting residents and business along Bruton Place to come in and discuss the proposals. The applicant confirms that local councillors were informed of the proposals and discussions took place with residents.

The applicant confirms that the only comments received was from a resident wishing to ensure that the existing character of the Guinea Grill would not be lost as a result of the

expansion and that there would be no construction works taking place that would impact on sleep. The resident was assured that the proposals would not result in either.

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 Mayfair Neighbourhood Plan includes policies on a range of matters including public realm, directing growth, enhancing retail, commercial and public house uses, residential amenity, commercial growth, cultural and community uses, heritage, design, servicing and deliveries and environment and sustainability.

The plan has been through independent examination and was supported by local residents and businesses in a referendum held on 31 October 2019. It was adopted on 24 December 2019. It therefore forms part of the development plan for Westminster for development within the Mayfair neighbourhood area in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004.

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

32 Bruton Place is an unlisted building located within the Mayfair Conservation Area. The building comprises ground, first and second floor levels which is currently operating lawfully as Sladmore Gallery, an art retailer that specialises in bronze sculptures and some painting. According to their website, Sladmore have occupied the site since 1965.

7.2 Recent Relevant History

A recent application for a certificate of lawfulness (22/01395/CLOPUD) clarified that for the use of 32 Bruton Street for the sale of food and drink principally to visiting members of the public, where consumption of that food and drink is mostly undertaken on the premises (Class E), is within the same use class as the existing lawful use of the building.

The certificate clarified that the use of the building for the sale of food and drink principally to visiting members of the public is not development, as defined by Section 55 of the Town and Country Planning Act (1990) (as amended), and therefore planning permission to change the use of the building is not required.

For clarity, the applicant has since applied to change the use of the premises to a sui generis mixed use, concentrating on a restaurant activity as an extension to the adjoining Guinea Grill public house.

The premises licence (22/09389/LIPN) for the expansion of the Guinea Public House into 32 Bruton Place was issued on 6 January 2023. The licence is subject to a number of conditions, including the requirement for CCTV, management of external drinking and waste management including barrel and waste collection.

8. THE PROPOSAL

Permission is sought for the extension of the existing Guinea Grill (pub and restaurant) into the adjoining retail unit at 32 Bruton Place, alterations to shopfront, replacement upper floor windows and rationalisation of plant on the rear first floor roof of No 30 and the rear second floor of No. 32.

The proposal will result in an increase of 215 sqm of floorspace for the Guinea Grill raising the internal floorspace from 407sqm to 622sqm.

9. DETAILED CONSIDERATIONS

9.1 Land Use

Loss of Class E floorspace

The proposal will result in the loss of 215 sqm of retail gallery floorspace at 32 Bruton Place. The newly adopted City Plan 2019-2040 policies, particularly Policy 14 Town centres, high streets and the CAZ therefore apply.

Bruton Place is located within the CAZ and within the West End Retail and Leisure Special Policy Area. Policy 14 of the City Plan states that 'uses that provide active frontages and serve visiting members of the public will be required at the ground floor throughout the town centre hierarchy'.

Paragraph 14.16 of the City Plan states that 'Away from the main shopping streets, the land use is highly diverse, containing a mix of commercial activity, including retail, pubs, bars, restaurants, theatres, cinemas and other entertainment venues. Together, these provide a wealth of attractions that draw in visitors and make a major contribution to

London's world city status'.

14.17 states that; 'Alongside retail growth, a balanced mix of complementary leisure, entertainment, food and drink and cultural and employment offers are welcomed to help the West End to grow, not only as a global shopping destination, but also as an enhanced leisure and employment destination'.

In this context, the loss of retail floorspace to a sui generis use which will continue to offer a complementary leisure, entertainment and food and drink culture is considered acceptable. The proposed conversion of 32 Bruton Place is therefore compliant with the requirements of City Plan Policy 14.

Policy MSC2 within the Mayfair Neighbourhood Plan aims to protect public houses in Mayfair. Whilst the policy does not specifically relate to the expansion of public houses, it does seek to safeguard their retention across Mayfair. The expansion of Guinea Grill in to 32 Bruton Place will likely safeguard the existence of the expanding business at this location.

Increase in public house (Sui Generis) floorspace

Planning permission to formally change the use to a public house is assessed against Policy 16 of the City Plan 2019-2040.

Policy 16 supports proposals for food and drink and entertainment uses that are appropriate in type and size to their location, but will seek to protect the local residential amenity, vitality and character of the area. Policy 16. B seeks to protect public houses.

As part of the submission the applicant has provided a delivery and servicing management plan and operational management plan to support the application which clarifies details of opening hours, customer capacity, number of staff and servicing arrangements, including an assessment of likely traffic generation from deliveries, etc.

One general comment and two objections have been received from neighbouring residents who have raised concerns relating to the local residential amenity - these concerns area addressed below in the amenity section.

Given the modest increase in floorspace (215 sqm) and the overall food offering you propose, the increase in floorspace into 32 Bruton Place is not likely to be harmful to residential amenity or harmful to the vitality and character of this part of Mayfair. The proposal is considered to help ensure the continued viability and function of the public house in line with policy 16. B.

9.2 Environment & Sustainability

The refurbishment of the building allows for the installation of a variety of sustainable design features including the replacement of windows and doors and the upgrade of existing plant with new and more efficient equipment. The incorporation of these sustainable design features ensures the proposal complies with Policy 38 of the City Plan which requires; 'development will enable the extended lifetime of buildings and spaces and respond to the likely risks and consequences of climate change by incorporating principles of sustainable design...'

9.3 Biodiversity & Greening

No biodiversity nor greening is proposed as there is limited availability for such provision given the small urban space of the site.

9.4 Townscape, Design & Heritage Impact

32 Bruton Place is an unlisted building located within the Mayfair Conservation Area. It is 3 storeys high, with a modern fully glazed shopfront at ground floor level, and a distinctive 3 bay wide window at first floor level. The building is surrounded by a number of listed buildings including 10-38 Bourdon Street which is listed at grade II, and 36-40 Bruton Place which is also listed at grade II.

The existing façade has a neutral impact on the character and appearance of the Conservation Area, with the shopfront at ground floor level being of modern design and construction having been approved in 1998 (98/02832/FULL). It has already been noted in the response to the pre application enquiry for these proposals that the principle of making alterations to this façade is acceptable.

The pre-application enquiry response also highlighted a number of areas of the detailed design of the façade which would be important to ensure the preservation of the character and appearance of the conservation area. This included the windows which would need to be appropriately sized and spaced apart and the shopfront which whilst copying the architectural language of 30 Bruton Place would need to remain distinctly separate so as to maintain the rhythm of frontages on the street.

These comments made at pre-application stage have all been successfully addressed in regard to the detailed design of the façade.

Overall, these proposals will have a neutral impact on the Conservation Area, and are therefore in keeping with policies 38, 39, and 40 of the Westminster City Plan (adopted April 2021).

9.5 Residential Amenity

As outlined above, three objections (2 of which are from the same residential objector, and one from a commercial tenant due to occupy a neighbouring unit) and one general comment from a resident have been received. These are responses are individually assessed below;

Objection:

Two objection letters have been received from PowerHaus Consultancy who represent a neighbouring resident within Bruton Place.

The objector does not object to the principles of the planning application and improvements to the building but does however raise concerns to the following:

- waste operations associated with The Guinea Grill;
- waste and barrels are constantly stored outside the premise on the public footpath throughout the day and should be limited to half an hour before collection.

- a more detailed Outside Management Policy is required to allow the Council to take Enforcement action if necessary.

The objector requested that the following conditions are attached to any planning permission, the first of which the applicant has recently provided as part of a new license application (reference 22/09389/LIPN):

Proposed Condition 1:

"All waste and barrels shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection time. At any other time, waste and barrels should be store in the basement"

Proposed Condition 2:

"No waste or recyclable materials, including bottles, shall be moved, removed from, or placed in outside areas between 22:00 and 08:00 hours"

The applicant is happy to accept the conditions recommended by the neighbour. Whilst initially raising concerns regarding the ability to comply with Proposed Condition 1, the agent confirms in an e-mail received on 10 January 2023 their willingness to accept this condition and will ensure that they will make it work.

As part of the commitment to address neighbours' concerns, the applicant has provided an updated Operational Management Plan and Delivery and Servicing Management Plan which addresses the outside management of the premises.

It is important to note that The Guinea Grill (which is a long-standing use that is not subject to any planning controls) does not have any management plans secured by condition at the moment. Therefore, the management plans which cover the existing operation are a benefit of the scheme. The applicant acknowledges that prior to the application bins were not always being taken back down to the cellar following collection, but this has now been rectified on site.

A second objection has been received from Monmouth Planning Ltd who represent a leaseholder of a neighbouring business which is due to open shortly.

They raise concerns relating to:

- noise levels, late night revellers from the public house causing noise, general anti-social behaviour and disturbance once intoxicated;
- development impacts, litter concerns, refuse bins, barrels and refuse bags left on the pavement outside 21-25 Bruton Place at times and 34 Bruton Place rather than adjacent to their site;
- openable windows and doors;
- query regarding pavement licence for external seating and customers causing general nuisance;
- review of the OMP after 6 months;
- lack of noise report assessing impact of proposed uses;
- number of deliveries.

As mentioned above, The Guinea Grill doesn't have any management plans to control the overall management of the premises at the moment; the expansion of the business

allows for the City Council to include planning conditions to require the improved management of the existing business and requires the applicant to adhere to strict noise, waste storage and general day to day operational management of the business.

A noise report has not been provided to assess noise transition from customers (as this can be extremely difficult to quantify), however it is not considered that this application is likely to generate additional noise activity from patrons. Whilst it is acknowledged that there is an uplift in 86 covers at The Guinea Grill, the proposal does not include any openable windows nor external dining seating which may generate additional noise transition from inside the premises. The proposal does include alterations to the shopfront, but the windows are fixed shut and the new doors within No 32 are labelled as fire exits, which are conditioned to be only openable in the event of an emergency and for maintenance purposes.

The extensive Delivery and Services Management Plan and Operational Management Plan (OMP) provided allow for better control of deliveries, waste management and general day to day management of customers from both the existing and expanded business. It is important to remember that this application is expanding the overall floorspace of the existing Guinea Grill by 215 sqm and allows for better management of the existing premises through the new OMP.

The commercial objector requests a condition to review of the Operational Management Plan (OMP) in 6 months. The OMP covers both the existing space used by The Guinea Grill at No 30 along with the new floorspace at No. 32 and is considered extensive enough to allow the appropriate management of this expanded site without the need to review the OMP in 6 months time. Furthermore, it is clarified that similar conditions apply to the premises licence which is renewed on an ongoing basis.

The premises licence requires that after 22:00, the number of customers smoking, vaping or indulging in similar activities on the outside area at the front of the premises shall not exceed 20 at any one time. There shall also be no drinking outside after this time. This is in line with the Operational Management Plan submitted and conditioned as part of this application. There is no reference to the area being used for external seating, though it is understood there is a long history of tables and chairs on the raised pavement to the frontage which have generated no planning enforcement complaints previously.

Overall, whilst it is acknowledged that the overall increase to The Guinea Grill will likely create a more intensified use than what the previous gallery had, the City Council is gaining control via planning conditions for the existing 407 sqm floorspace at No 30 Bruton Place alongside the 215 sqm at 32 Bruton Place, allowing better control of the premises, thereby enabling the City Council to take appropriate Enforcement action should it receive complaints regarding the management of the business in the future.

General Comment from neighbour:

One general comment has been received from a neighbouring resident. They recognise The Guinea Grill is an important venue in the street and the community. However, they raise concerns with regard to the expanding of the premises which they believe raises many issues regarding people management, traffic and deliveries, noise and waste collection. These concerns are considered to be addressed by the Operational Management Plan (OMP) and Delivery and Servicing Management Plan (SMP). The

plans have been assessed by the City Council's Highways Planning Manager who has no objections to the proposal [following the omission of the awning].

The Operational Management Plan confirms the hours of opening will be as follows:

- o Monday to Thursday - 10:00 to 23:30
- o Friday and Saturday - 10:00 to midnight
- o Sunday - midday to 22:30
- o Sundays immediately prior to a Bank Holiday - midday to midnight

The OMP confirms that there shall be no drinking outside the premises after 22:00 (although patrons will be allowed to smoke in front of the premises).

The applicant will be required to comply with the requirements of the plans throughout the life of the public house with neighbours potentially noticing an overall improvement as the plan controls the arrangements for both 30 and 32 Bruton Place.

Noise & Vibration

The application proposes to rationalise and upgrade existing plant with new and more efficient equipment. Environmental Health Officers have assessed the acoustic report that was submitted with the application and consider that subject to standard noise conditions, the proposed plant is likely to comply with the City Council's noise and vibration Policy 33. The proposals will not therefore harm the amenity of neighbouring properties.

9.6 Transportation, Accessibility & Servicing

The site is located within a Controlled Parking Zone which means anyone who does drive to the site will be subject to those controls. The majority of trips associated with the site (excluding servicing activity) will be via public transport or other sustainable modes (e.g. walking, cycling) and will not have a significantly detrimental impact on the safety or operation of the highway network. Taxi use associated with the operation is likely to be similar to the existing use.

Highway Impact

The Highways Planning Manager originally raised concerns regarding the vertical clearance of the proposed awning. To address these concerns the applicant has omitted the awnings from the proposal. Updated plans of the proposed front elevation omit reference to the awnings.

The Highways Planning Manager also raised concerns regarding doors opening over the highway. The applicant has since revised the plans to address this concern with all doors now opening inward to the building.

Servicing and Waste & Recycling Storage

Policy 29 requires off-street servicing and freight consolidation. Deliveries, goods and waste collection left on the highway create an obstruction to pedestrians and have an

adverse impact on the improvements to the public realm. Delivery vehicles stopping on the highway can also result in localised congestion to other motorists.

No off-street servicing is available. As previously mentioned, a Servicing Management Plan and an Operational Management Plan are provided and have been assessed by the Highways Planning Manager, who considers that the combination of units is likely to reduce the level of servicing vehicles associated with the combined site. However there may be an increase in dwell time of servicing vehicles and goods obstructing the highway (footway). On balance, no objection is raised on this element.

The applicant has submitted a proposed basement plan (for No 30 – there is no basement to No. 32) as part of this submission which details the bin storage area. The Council's Project Officer (Cleaving) confirms the details are in line with the council waste storage requirements. A condition has been included to ensure that the waste storage is provided to the occupation of 32 Bruton Place as a public house (Sui Generis) use.

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 West End has been particularly hard hit by the pandemic and there is a need for businesses within the Central Activities Area to be supported at this time to enable their post pandemic recovery. The proposed development will contribute to the recovery of the West End in accordance with Policies 1 and 13 in the City Plan 2019-2040 by providing a rich mix of commercial uses that contribute to central London's wide appeal and securing further continued economic growth and employment opportunities.

9.8 Other Considerations

The neighbouring objector raised an additional concern regarding refuse vehicles reversing down the one way street in the wrong direction, which is often at 7am. Whilst this is not specifically related to this application, for clarity this issue has been raised with the City Council's Highways Planning Manager who confirms that he will relay this on to the contractors responsible for the waste collection in this area.

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 Guinea Public house is an award winning establishment that ranks amongst top gastro pubs (e.g. the 2022 Estrella Damn's annual Top 50 Gastropubs list). The expansion into No. 32 Bruton Place allows for the business to continue to prosper and caters to its growing demand.

Detailed and updated Operational and Servicing Management Plans have been provided in order to control noise, deliveries, waste collections and general day to day management of the public house.

Subject to conditions that address the objections where relevant, the proposal is considered acceptable, and it is recommended that permission be granted.

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

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

11. KEY DRAWINGS

30-32 Bruton Place front elevation – as existing



30-32 Bruton Place front elevation – as proposed

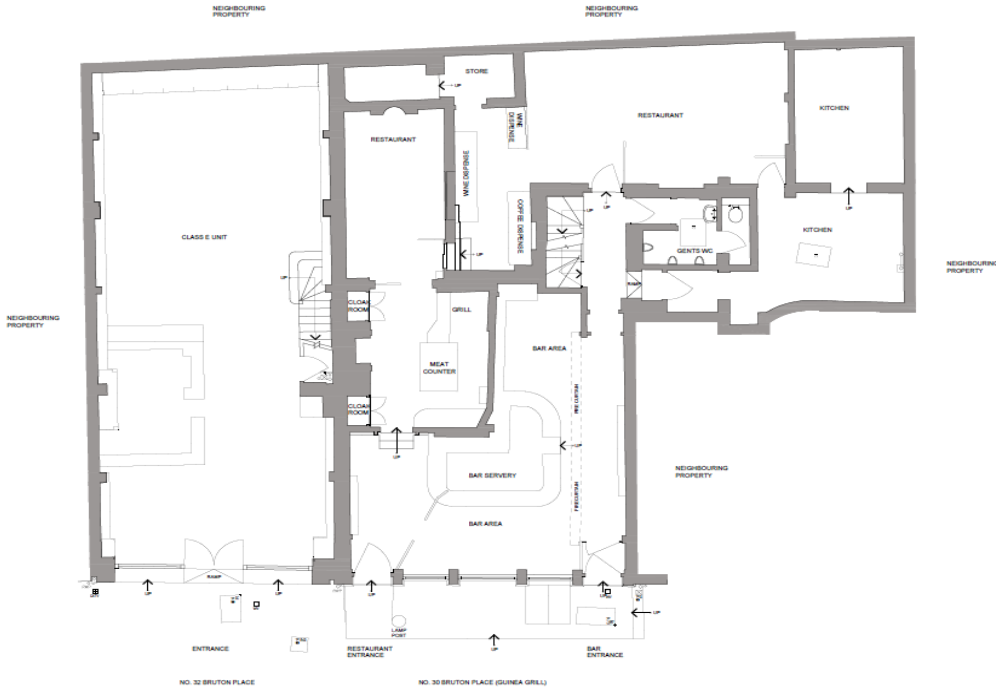


NO. 32 BRUTON PLACE

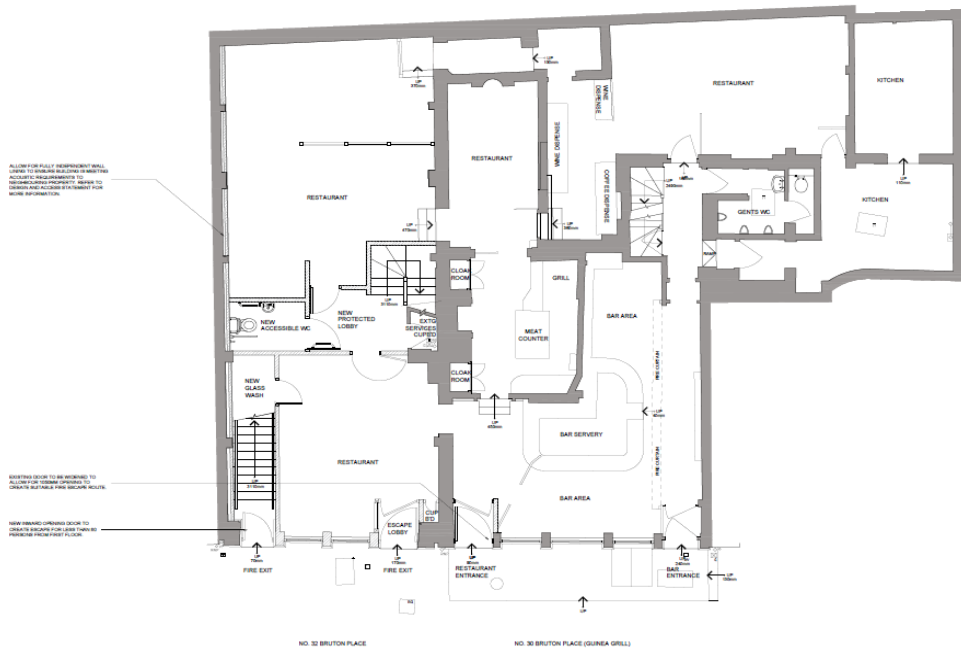
NO. 30 BRUTON PLACE (GUINEA GRILL)

PROPOSED FRONT ELEVATION
SCALE 1/32

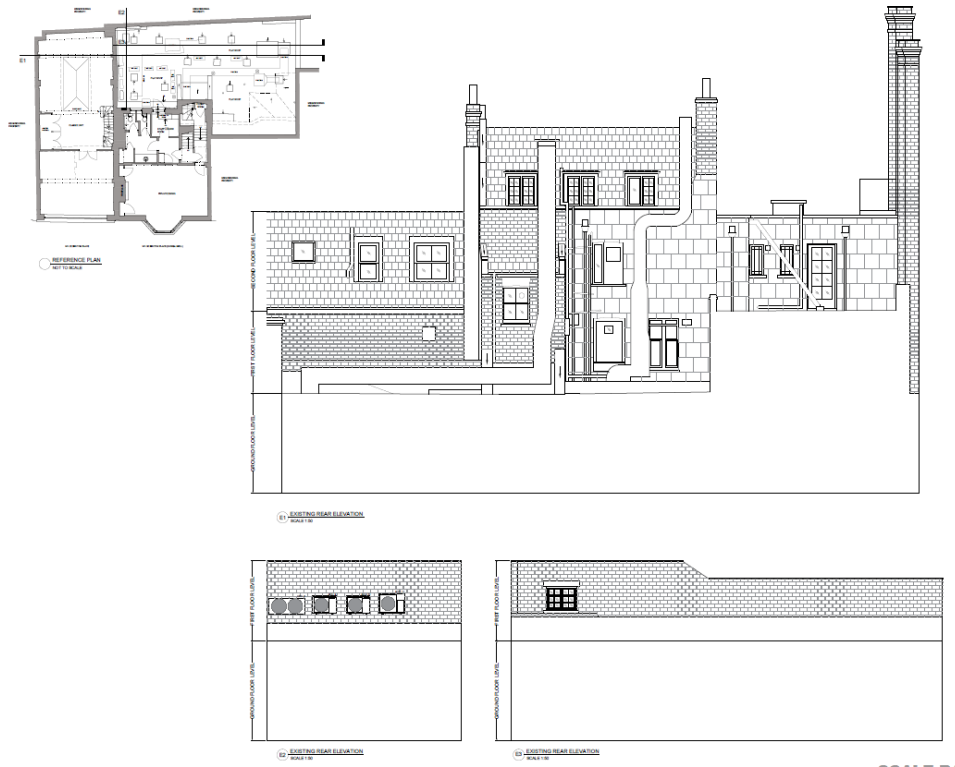
Ground floor plan as existing



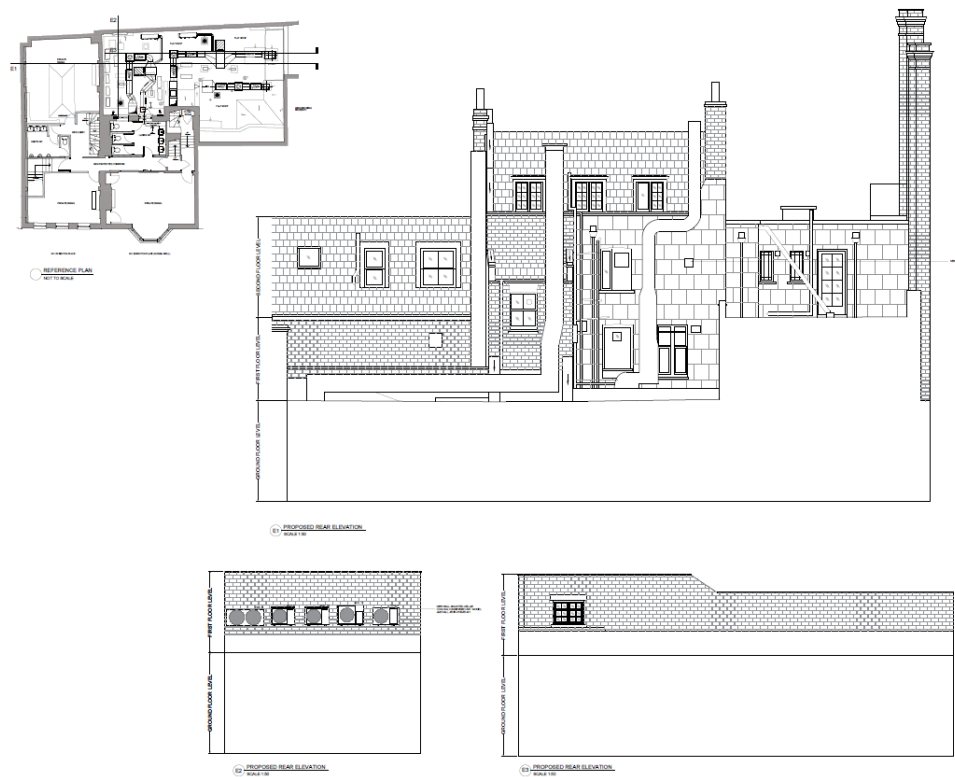
Ground floor plan as proposed



Rear elevation as existing



Rear elevation as proposed



DRAFT DECISION LETTER

Address: 30-32 Bruton Place, London, W1J 6NL

Proposal: Use of 32 Bruton Place as a drinking establishment with expanded food provision (sui generis) to form extension to existing Guinea Grill at 30 Bruton Place, alterations to shopfront, replacement upper floor windows and rationalisation of plant on roof

Reference: 22/06655/FULL

Plan Nos: Y&C07.21.P06 D, Y&C 07.21.P07 D, Y&C 07.21.P08 D, Y&C 07.21.P09 B, Y&C 07.21.P11 D, Y&C 07.21.P13 B, Y&C07.21.P16 A, Delivery and servicing management plan dated December 2022 ref: 6844/DSMP01, Guinea Operational Management Plan received on 6 February 2023

Case Officer: Shaun Retzback

Direct Tel. No. 07866 039589

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Reason:

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

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

Reason:

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

- 4 You must apply to us for approval of details of the following parts of the development - the new 1st floor windows. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these drawings. (C26DB)

Reason:

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

- 5 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum. , , (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., , (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for written approval by the City Council. Your submission of a noise report must include:; (a) A schedule of all plant and equipment that formed part of this application;; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;; (c) Manufacturer

specifications of sound emissions in octave or third octave detail;; (d) The location of most affected noise sensitive receptor location and the most affected window of it;; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;; (g) The lowest existing LA90, 15 mins measurement recorded under (f) above;; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;; (i) The proposed maximum noise level to be emitted by the plant and equipment. (C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the 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)

- 6 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R48AB)

- 7 The design and structure of the building shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night. Inside bedrooms 45 dB L Amax is not to be exceeded more than 15 times per night-time from sources other than emergency sirens. (C49BB)

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development, as set out Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R49BB)

- 8 All waste and barrels shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection time. At any other time, waste and barrels should be store in the basement.

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)

- 9 No waste or recyclable materials, including bottles, shall be moved, removed from, or placed in the outside areas between 22:00 and 08:00 hours

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)

- 10 With the exception of fire exit doors which must only be used in an emergency and for maintenance purposes, you must hang all doors or gates so that they do not open over or across the road or pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in Policies 24 and 25 of the City Plan 2019 - 2040 (April 2021). (R24AD)

- 11 You must not operate the pub and restaurant use within 32 Bruton Place hereby approved until you provide the separate stores for waste, food waste and materials for recycling as shown on drawing number Y&C07.21.P16 A and thereafter you must permanently retain them for the storage of waste, food waste and recycling. You must clearly mark them and make them available at all times to everyone using the pub and restaurant use. (C14FC)

Reason:

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

- 12 You must carry out the measures included in your delivery and servicing management plan ref: 6844/DSMP01 dated December 2022 and your operational management plan received on 6 February 2023 at all times.

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)

- 13 You must not allow more than 86 customers into 32 Bruton Place at any one time.

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)

- 14 You must only use the ground and first floor of No 32 as a sit-down restaurant with waiter service, and the second floor as ancillary accommodation. You must not use any part of No 32 as a bar or bar area, or for any other purposes.

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)

- 15 The use of 32 Bruton Place as a mixed use drinking establishment with expanded food provision (sui generis) shall be occupied as a single unit in conjunction with 30 Bruton Place and shall not be sub-divided or used independently.

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 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is also a condition of the London Building Acts (Amendment) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application for street naming and numbering, and to read our guidelines, please visit our website: www.westminster.gov.uk/street-naming-numbering. (I54AB)

- 3 Please email our Project Officer (Waste) at wasteplanning@westminster.gov.uk for advice about your arrangements for storing and collecting waste.
- 4 The term 'clearly mark' in condition 11 means marked by a permanent wall notice or floor markings, or both. (188AA)
- 5 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults. You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please email AskHighways@westminster.gov.uk. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority).

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 4

Item No.

4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 21 February 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved Marylebone	
Subject of Report	47 Great Cumberland Place, London, W1H 7TQ		
Proposal	Internal and external works, including partial infill extension of inner lightwell at lower ground, ground, first and second floors; rear second floor extension, terrace at rear fourth floor, and a mansard roof extension to the rear mews building, removal of a lift, various modern additions, and reinstatement of hallway. Installation of 2 mechanical plant units at lower ground floor and 5 at rear third floor. Use of the building as seven residential apartments.		
Agent	Cluttons LLP		
On behalf of	Alarg Limited		
Registered Number	22/04335/FULL and 22/04336/LBC	Date amended/ completed	30 June 2022
Date Applications Received	30 June 2022		
Historic Building Grade	Grade II		
Conservation Area	Portman Estate		
Neighbourhood Plan	None		

1. RECOMMENDATION

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

2. SUMMARY & KEY CONSIDERATIONS

The application proposes the use of the building as seven residential apartments. Works proposed to accommodate these flats include a partial infill extension of the existing inner lightwell at lower ground, ground, first and second floors. A rear second floor extension is also proposed, along with a terrace at rear fourth floor on an existing flat roof for use by one of the flats and a mansard roof extension to the rear mews building.

A total of 8 air-source heat pumps within acoustic screening are proposed across the sight at the rear and in lightwells.

Internal alterations are proposed throughout the existing building to allow removal of existing dated fixtures and fittings as well as the removal of a lift, various modern additions, and reinstatement of hallway. Modernisation and installation of the relevant furniture and partitions associated with flats will then be carried out.

The existing use of the site is not clear, but from a visit to the site it appears to be a mix of office and residential uses within the one single building. It is known to have been used by the Malawi High Commission from 1965 to 1976.

The key considerations in this case are:

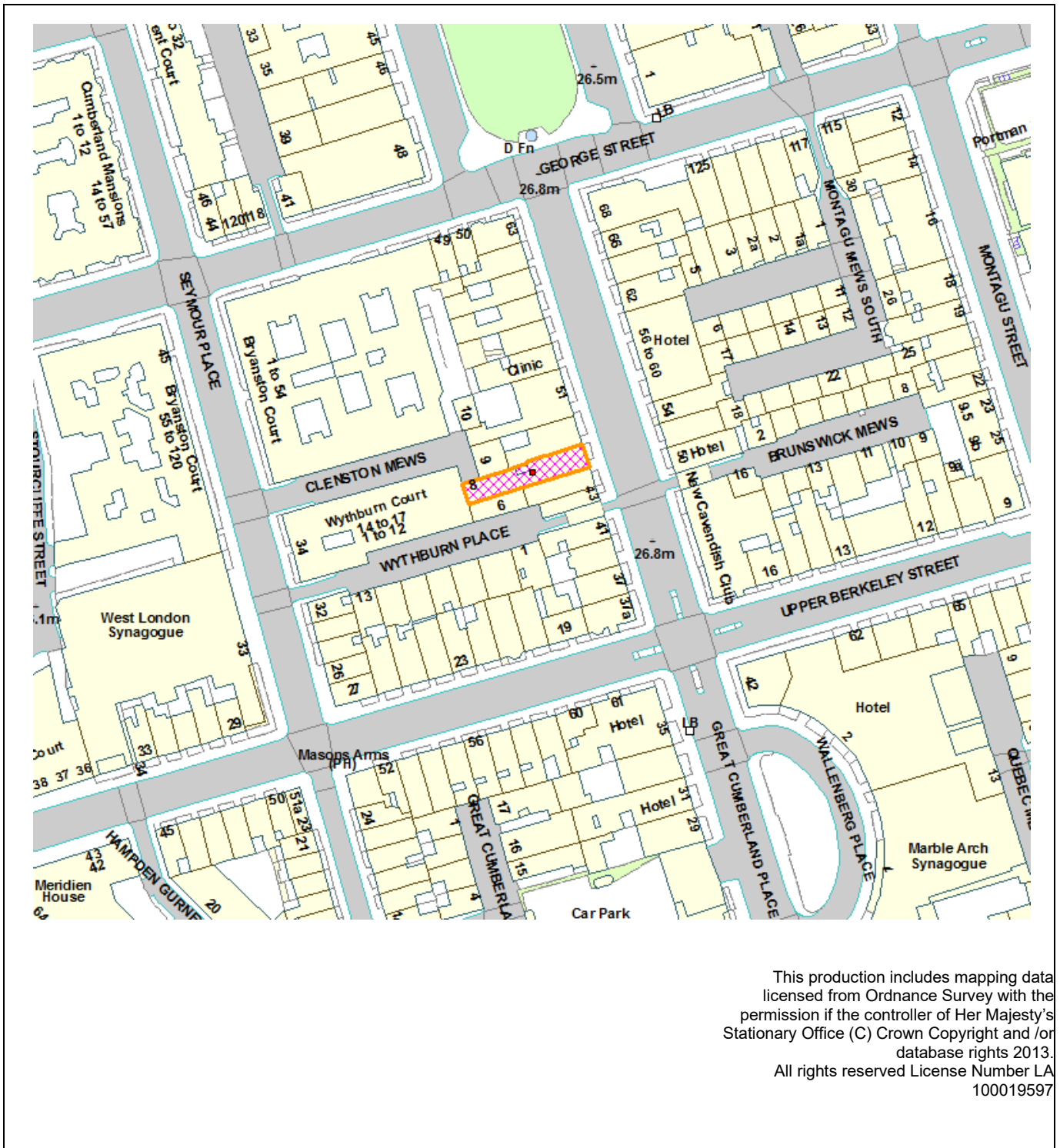
- The acceptability of the loss of the existing use at the site,
- The acceptability of the proposed residential accommodation in terms of size and mix,
- The acceptability of the proposed works in design terms,
- The impact of the proposed works on the character and appearance of the Portman Estate Conservation Area and the setting of other nearby designated heritage assets, such as the grade II listed buildings adjoining the site,
- The impact of the proposed works on the Grade II listed building that forms the site, and
- The impact on the amenity of neighbouring residential properties.

The proposals will provide seven residential flats at the site which, given they comply with the necessary size standards and overall provide a good quality of accommodation, is supported by the Council. While the existing use cannot be clearly identified, it is believed there is an element office use. While the loss of this office aspect of the use is not strictly in compliance with Policy 13 of the City Plan 2019-2040 (as the area is not predominantly residential), in this instance it is considered acceptable given the provision of the residential accommodation, that the building was originally built as residential use, and it provides the opportunity to bring the building back into full use.

The applicant has demonstrated that the proposed extensions will not cause a detrimental loss of daylight and sunlight to surrounding properties. Subject to conditions securing compliance with noise and vibration criteria, a supplementary acoustic report and the installation of acoustic screening for the mechanical plant, and the installation of a privacy screen for the terrace, the proposals are acceptable in amenity terms. While objections have been received on the grounds of noise from machinery and the terrace, as well as overlooking, , the above conditions and the relationship of the site with its neighbours are considered to overcome these.

With regards to the design of the proposals, the impact of these works on the character and appearance of the Conservation Area and the impact of listed building, there are some elements of harm that have been identified but these are outweighed by the balancing benefits of the scheme. Given these benefits, and the wider benefits of the scheme that would be delivered (the provision of a mix of residential units and bringing an underutilised building back into use), the proposal is considered acceptable in terms of its impact on the designated heritage asset(s).

3. LOCATION PLAN



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4. PHOTOGRAPHS

Great Cumberland Place Elevation



Clenston Mews Elevation



5. CONSULTATIONS

5.1 Application Consultations

MARYLEBONE ASSOCIATION

Any response to be reported verbally.

ENVIRONMENTAL SCIENCES

No objection subject to conditions.

HIGHWAYS PLANNING

Objection - Waste and Cycle storage facilities not shown on proposed drawings.

WASTE PROJECT OFFICER

Objection - details of waste and recycling storage not in accordance with guidelines.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 46

Total No. of replies: 4

No. of objections: 4 objections (2 received against the linked LBC)

Four objections have been received raising some or all of the following points:

- Impact on daylight and sunlight for neighbouring properties,
- Daylight and sunlight report does not assess all neighbouring properties,
- Loss of privacy,
- Sense of enclosure from privacy screen,
- Increase in overlooking,
- Noise disturbance from terrace,
- Noise, heat and smell from heat pumps, mitigation needed.
- Security risk to neighbours from the proposals,
- Claim noise report inaccurate as measurements only taken at front of property and not at the rear,
- Impact on neighbours during course of construction due to noise impact,
- Structural concerns for site and neighbouring buildings,
- Concern remodelling in area of existing lift may "*reduce possibilities for adjoining properties*", and
- Errors or inconsistencies in the submitted documents (such as acoustic screening not shown on drawings, and relationship to neighbouring buildings not shown on drawings)

PRESS NOTICE/ SITE NOTICE:

Yes

HISTORIC ENGLAND (Consulted on 22/04336/LBC)

Not offering advice - authorisation to determine as seen fit.

5.2 Applicant's Pre-Application Community Engagement

The applicant has not submitted a Statement of Community Involvement and the other application documents do not indicate that engagement was carried out by the applicant with the local community and key stakeholders in the area, prior to the submission of the planning application.

However, the Early Community Engagement guidance only expects such engagement to take place where the proposal may have a significant impact on residential amenity or other noise sensitive receptors.

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

This application is a Grade II Listed Building located within the Portman Estate Conservation Area. It is located on the western side of Great Cumberland Place and to the north of its junction with Upper Berkeley Street and south of Bryanston Square. The rear part of the site (Clenston Mews) can be accessed from Clenston Mews but is connected internally to the main building.

The main part of the building fronting onto Great Cumberland Place comprises of lower

ground, ground and four upper floors, while the Clenston Mews part of the site is a ground and first floor building.

It is understood that the property was used as the Malawi High Commission from 1965 to 1976. The lawful use or the existing use of the building since then to the present day are not clear. At the current time the building appears to be some sort of mix of office use and residential use (with some upper floors providing just office rooms, and some of the lower floors providing sleeping accommodation but mostly on a more informal arrangement, such as just with a mattress on the floor in a room also containing filing cabinets) but neither element appears to be dominant. While at application stage the applicant claimed the existing use is as an office, this was on the basis of a certificate of lawfulness application which had been submitted at the same time seeking to regularise that position. However, that application was subsequently withdrawn as neither officers nor the applicant have been able to clearly identify a clear history of the use (office or otherwise) nor what the current use is.

7.2 Recent Relevant History

None

8. THE PROPOSAL

Planning permission and listed building consent are sought to allow the use of the building as seven residential apartments. Works proposed to accommodate these flats are

- a partial infill extension of the existing inner lightwell at lower ground, ground, first and second floors,
- a rear second floor extension
- a terrace at rear fourth floor on an existing flat roof for use by one of the flats, and
- a mansard roof extension to the rear mews building is also proposed.

2 air source heat pumps (ASHPs) at lower ground floor within a rear lightwell are proposed, with 1 ASHP in the front lightwell below the lightwell stairs, as well as a total of 5 ASHPs units at rear third floor (1 single unit and 4 in a group). All of these units will be withing acoustic screening.

Internal alterations are proposed throughout the existing building so as to allow removal of existing dated fixtures and fittings as well as the removal of a lift, various modern additions, and reinstatement of hallway. Modernisation and installation of the relevant furniture and partitions associated with flats will then be carried out.

The floor space figures for the proposals are set out in the table below.

Existing and proposed land uses table:

Land Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Existing Use	522	0	-522
Residential Use (Class C3)	0	585	+585
Total	522	585	+63

9. DETAILED CONSIDERATIONS

9.1 Land Use

Loss of Existing Use

As set out above, it is not clear what the existing use of the building is. While it is understood that the property was used as the Malawi High Commission from 1965 to 1976, it has not been possible at this time to clearly identify a lawful use, or the existing use, of the building since then to the present day. There is no planning history for the site and no record of the property in Council Tax and Business Rates records.

The current use of the building appears to be some sort of mix of office use and residential use. Following an officer site visit, it was evident that the property includes a small number of rooms which appear to be used as bedrooms, some more 'formally' than others (i.e. informal sleeping arrangements seen in some of the rooms include a mattress on the floor in an unfurnished principal first floor room which also contained filling cabinets, as opposed to a bed, wardrobe and other furniture that would be typical in a bedroom and was seen in at least two rooms on the site). Despite a range of kitchens/kitchenettes and bathrooms in the property, most of these seemed to be unused/unusable, with only one kitchen area appearing to be in use.

There were also a large number of rooms in use for, what appeared to be, solely office use, with large desks and various other office-related furniture. These were mainly focused on the upper floors. Equally, there were other 'non-domestic' features in the property such as, but not limited to, a reception desk and waiting seating area in the entrance room at ground floor; various fire extinguishers throughout the property (displayed in ways so as to meet commercial fire safety requirements); bathrooms labelled 'male' and 'female', a large commercial tower printer/copier, filling cabinets, etc. Other rooms in the property appear to just be used as storage and had no identifiable use.

Neither the office or residential element appears to be dominant and while a certificate of lawfulness application was submitted at the same time as this application seeking to regularise the building as office use, that application was subsequently withdrawn as neither officers nor the applicant was able to clearly identify a clear history of the use (office or otherwise) nor what the current use is.

Based on this it is considered best to assess both aspects that were evident on site and treat the existing use as a form of mixed use.

The proposals would not result in the loss of the residential aspect that is currently evident on site But would result in the loss of the office aspect.

City Plan 2019-2040 (April 2021) Policy 13 part D states that, within the CAZ, the net loss of office floorspace to residential development will only be permitted in those parts of the CAZ that are predominantly residential in character and where the proposal would reinstate an original residential use.

The City Plan 2019-2040 (April 2021) Glossary does not describe how to identify an area which would be considered as predominantly residential in character, however it does identify that predominantly commercial neighbourhoods are:

"Areas of the Central Activities Zone where the majority of ground floor uses comprise of a range of commercial activity."

This part of Great Cumberland Place (between Upper Berkeley Street and George Street) comprises a mix of commercial uses and residential uses at ground floor. There are a number of hotels on the east side and some properties with offices at ground floor, as well entirely residential buildings at the north end. On the west side of the street (the same side of the application site), there are only three properties which have commercial at ground floor, with all other buildings being residential throughout. The area is therefore considered to be mixed with neither commercial or residential being predominant at ground floor. The proposed change of use would not therefore be strictly in accordance with this part of the policy which is clear in identifying the loss will only be acceptable in predominantly residential areas.

Regarding the second part of the policy, the proposed change of use to residential flats will reinstate an original residential use, given the building was originally constructed as a residential dwelling.

Proposed Residential Use

The proposals will provide seven residential flats. The mix of these will comprise of 1x studio, 1x 1 bed, 4x 2 bed and 1x 3 bed. The 3 bed unit is a family sized unit. The floorspace for these flats is shown in the table below. Policy 12 of the City Plan seeks to ensure that all new homes provide a well-designed and high-quality living environment, both internally and externally. The floorspace figures for the proposed new units are shown in the table below.

Floor	Flat type	Beds/People	Size (sqm GIA)	Min. Space. (sqm GIA)	+/- Req'd.
Lower Ground	2 Bed (Flat 1)	2B/3P	68.22	61	+7.22
Ground	2 Bed (Flat 2)	2B/4P	78.89	70	+8.99
	Studio (Flat 6)	1B/1P	37.20	37	+0.20
First	2 Bed (Flat 3)	2B/4P	87.17	70	+17.17
First/Second Duplex	2 Bed (Flat 7)	2B/4P	83.24	79	+4.24
Second	1 Bed (Flat 4)	1B/2P	55.42	50	+5.42
Third/Fourth Duplex (with terrace)	3 Bed (Flat 5)	3B/4P	96.07	84	+12.07

All units proposed in the development comply with the minimum space standards set out in London Plan and The Minimum Space Standards for the type of unit. City Plan Policy 8B restricts flat size to below 200sqm GIA. The floorspace figures provided indicate that no flats would exceed this threshold. The mix of units proposed is considered suitable given the existing constraints of the site and that a family sized unit is included.

Part D of Policy 12 requires that all new homes provide at least five sqm of private external amenity space for each dwelling. Where dwellings accommodate 3 or more

people, an additional 1sqm of amenity space is required for each additional person. The policy notes that where this is not practicable or appropriate, community space may be provided, or additional and/or higher quality public open space may be provided.

Part E of the policy states that where it is sufficiently demonstrated that the requirements of Part D cannot be met, additional living space equivalent to the external requirements set out in that section is required.

Flat 5 (the third/fourth floor duplex family size dwelling) includes a terrace at the rear fourth floor. The size of this terrace is not provided however, given that the unit size also exceeds the minimum space standards with the necessary additional space for absent amenity space, the terrace is considered a welcome addition for the family sized unit.

Flat 2 at ground floor level (the 2 bed accessed from the Great Cumberland Place entrance) also has access to a lightwell at the rear. It is not clear if this is intended as amenity space as it has not been discussed as such in the submission. Again, no measurements for this area are provided in the application but the additional space provided above the Minimum Space Standards is sufficient to comply with policy.

The applicant has stated in their submission that "*Due to the historic nature of the building and its lack of external space, it is not possible to provide all units with external amenity space and therefore the units proposed are slightly larger to compensate for this in accordance with Policy 12.*" However, they have not provided a breakdown of this additional floorspace provided for the units to compensate. The table above shows that of the flats which would need additional floorspace (flats 1, 2, 3, 4, 6 and 7), only flats 1, 2, 3 and 4 provide enough additional space above the minimum space standards. Flat 6 (the studio flat) and 7 do not provide at least 5 sqm additional floorspace as required. While these flats are not compliant with Policy 12 Parts D and E, given the constraints of the existing site and building, the shortcomings in this respect are considered acceptable in this instance. Overall, the quality of the proposed flats is considered acceptable.

Affordable Housing

The proposed development will not create ten or more residential units and will not create over 1,000 sqm of residential floorspace. Affordable housing will therefore not be required under Policy 9 of the City Plan.

Land Use Balance

The area is not predominantly residential as required under Policy 13 to allow the loss of the possible office use. The area has been found to be an even mix of commercial and residential so the loss of the possible office aspect at the site is not strictly in accordance with policy. However, the provision of the range and number of flats proposed is welcomed and encouraged and the scheme would bring a building that is little used and undermaintained back into full and optimal use. On this basis and on balance, it is considered that the loss of the probable office aspect of the use at the site is acceptable in this instance.

9.2 Environment & Sustainability

Policy 38D of Westminster's City Plan (Design principles) covers sustainable design, while policy 36 covers Energy Performance.

Proposals for improved environmental performance must take into account the impact on the special interest of the listed building. Nonetheless there are a number of opportunities for improvements in performance which are compatible with the historic and architectural interest building of the site, particularly given the limited significance of the interiors.

Heating will be provided to the apartments by means of air source heat pumps. Ventilation to each apartment will be facilitated by the installation of a supply and extract heat recovery ventilation (MVHR), a "whole-house ventilation system", providing fresh air to all occupied spaces within each apartment.

Where non-original windows are being replaced, the new windows will have double glazed units for improved performance. Secondary glazing is proposed throughout the building where original windows are being retained.

The applicant's sustainability statement sets out that the proposals will reduce the CO₂ emission through passive design and energy efficiency measures, including improved building fabric standards and energy efficient mechanical and electrical plant. The opportunities for improved performance are:

- The new mansard roof and second floor bedroom extension will have improved thermal performance;
- New loft insulation to the main roof;
- New insulation incorporated in the renewal of flat roof waterproofings;
- Thermally insulated linings to external walls and framings;
- New windows on the rear and lightwell elevations will be double glazed;
- Retained windows on the front elevation will be fitted with secondary glazing; and
- New MHRV systems comprising air source heat pumps serving internal wall mounted fan coil units.

As a result of the above the scheme follows the Be Lean, Be Clean and Be Green energy hierarchy in line with Policies 36 and 38 of the City Plan and the Environmental SPD.

9.3 Biodiversity & Greening

Policies 34 B the 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.

Policy 34 G requires that developments achieve biodiversity net gain, wherever feasible and appropriate. Opportunities to enhance existing habitats and create new habitats for priority species should be maximised. Developments within areas of nature deficiency should include features to enhance biodiversity, particularly for priority species and habitats.

No biodiversity improvements are provided by the scheme. Given the constrained nature of the site, the limitations of introducing greening to historic fabric, and the modest amount of new construction, there is not considered scope for any substantive provision.

9.4 Townscape, Design & Heritage Impact

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.

Site and Works

47 Great Cumberland Place is a Grade II listed late Georgian town house of c 1800-1820 with an associated mews building (8 Clenston Mews) to the rear. The property is five storeys with accommodation in the roof and a lower ground floor. A two-storey mews building is directly connected at both levels to the main house with two small lightwells in between. The buildings are in the Portman Estate Conservation Area.

Both 47 Great Cumberland Place and 8 Clenston Mews are much altered internally, including comprehensive alterations to the main body of the house and a lateral conversion linking the house to the mews building at ground and first floor. As a result there are very limited surviving historic features internally.

The house was used as the Malawian High Commission between c.1965-c.1976, and since then appears to have been used as offices with residential in a mix which is unclear. As a result of the various uses across its history, the interior of the house is largely modern twentieth century. The main stair has been lost, and replaced with a very dramatic, though entirely inappropriate, marble stair. Decorative internal details have all

been lost. The historic plan form has also been particularly changed at ground and basement floors, probably while it was a diplomatic premises.

The key issues are therefore the impact of the internal works on the plan form of the building and of external works on the special interest of the building and on the character and appearance of the Portman Estate Conservation Area.

Central Lightwell

At the rear, the lift in the central lightwell is proposed to be removed and the lightwell partially infilled up to second floor level to create an internal circulation space. This element of the proposals would not be visible from the public realm (Clenston Mews), and only a limited number of private views from adjacent buildings would overlook this part of the building.

The removal of the lift would be a modest heritage benefit. The infilling of part of the lightwell would represent a change to the historic plan form of the building, and a loss of part of an original rear area. It is considered that limited harm of the infill in this location would be balanced by the benefit of the removal of the lift. There is no objection to this part of the work in townscape terms.

Mansard Extension

On the mews building, the roof is to be rebuilt with a mansard to allow additional accommodation in the new mews maisonette. There is no in-principle objection to the loss of the existing hipped roof to the mews building, on the basis that the existing roof is modern.

The new mansard roof here would be visible in views from the public realm (Clenston Mews and Wythburn Place) and would be prominent in private views from surrounding buildings. The extended mews building would be the only three storey building in this area of otherwise two storey traditional mews buildings.

Given the largely land-locked nature of this part of the site however, the additional height and bulk is likely to be acceptable in this instance. The new roof retains the existing gap between the mews building and existing house. The gap is used to site four air source heat pumps, a suitable location for the accommodation of plant as it will be screened from the majority of views. However, screening will still need to be provided to reduce the impact of the units on private views,

Rear Extension

A rear extension at second floor level is proposed on an area of flat roof. There is already a later projecting rear wing on the southern side of the rear elevation. Along with the existing closet wing extension the works would result in a full width extension at ground at second floor level. A full width extension at this level would ordinarily be considered to be contentious as it would subsume the existing lightwell and obscure the original rear elevation of the building. However, in this instance the second floor extension would be largely concealed by the mansard roof on the mews building. Like

the roof of the mews building, it is proposed in contrasting materials (metal cladding) to the host building, and so will read an extension.

A similar extension at the adjoining building was approved in 2008 (08/00597/FULL).

Subject to the identification of heritage benefits elsewhere in the scheme, this element is considered to be acceptable.

Roof terrace.

Providing that the detail of the proposed balustrade is acceptable, there is no in-principle objection to the creation of a terrace on an existing area of flat roof. The privacy screen to no. 45 has been the subject of negotiation and review over the course of the application and has been reduced to the smallest dimension possible. It will not be overly prominent in views from the public realm.

The window which will be lost is a later twentieth century casement of no special heritage significance.

Subject to a condition requiring details of the new door to the terrace and the design of the wrought iron balustrade this aspect of the scheme is considered acceptable.

Internal Works

Internally, the proposals are to divide the existing accommodation into 7 flats and maisonettes. There is a limited amount of surviving historic fabric, particularly in terms of decorative detail. The existing doors are all replacements. The historic plan form largely survives at first floor and above, and represents the main interest of the interiors.

In the basement, the existing stairs are proposed to be removed entirely and a separate self-contained external access created at the front. There will be some alterations to internal partitions to allow the space to become a two bedroom flat. The existing staircase appears to be modern. The removal of the stairs between basement and ground floor level would be harmful to the historic plan form (though not to the fabric) of the listed building.

The other changes to plan form in the basement are modest and affect fabric of lesser significance.

On the ground floor a new front hallway and more historically appropriate stairs would be created, resulting in an improvement to the plan form and appearance of this part of the house. These works, providing the details are appropriate for a listed building of the mid nineteenth century, would constitute a benefit. The details of the stair should be reserved by condition and should be based on exemplars from similar buildings in the local area.

At the rear, the ground floor would be slightly reconfigured to provide a separate studio flat accessed from Clenston Mews and also access to the stairs to the upper maisonette in 8 Clenston Mews.

On the first floor, the 1970s stair and associated lobbies will also be removed, and a more traditional circulation created.

Throughout the house, the opportunity exists to reinstate traditionally detailed decorative plasterwork, traditional doors and appropriate fireplaces and surrounds which, subject to achieving the correct details, would represent a modest heritage benefit. The reinstatement of stairs, balustrades, fireplaces doors etc should be scholarly reconstructions in order to constitute a true benefit. Off-the-shelf designs are unlikely to deliver the benefit necessary to balance the harms identified in the scheme and will be secured by condition.

The exiting windows are to be upgraded with secondary glazing throughout the house, which would be acceptable in listed building terms. Detailed drawings of the secondary glazing should be conditioned to ensure that they are sit comfortably in relation to the historic sashed.

Balancing Benefits and Harm

Three elements have been identified where harm is cause to the special interest of the listed building;

- the loss of part of the central lightwell is a modest harm to the historic plan form,
- the second floor extension obscures the original built form of the building, and
- the loss of the (modern) stair between ground and basement floors.

The balancing benefits have been identified as:

- The reinstatement of a historically appropriate stair between ground and first floors,
- The reinstatement of the plan form of the hallway,
- Improvements to the front elevation,
- Removal of the lift in the central lightwell,
- Sustainability improvements through secondary glazing,
- The reinstatement of historically appropriate plasterwork, doors, and four replacement fireplace surrounds, and
- Creation of seven flats

It is considered that the relatively modest harms are outweighed by the public benefits of the scheme.

9.5 Residential Amenity

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

Policy 22 (Local Environmental Impacts) of City Plan 2019-2040 seeks to protect the local environment from adverse impacts from developments such as from pollution, noise and vibration, odour, land contamination and construction impacts.

Daylight & Sunlight

The applicant has submitted a daylight and sunlight assessment which has been carried out with reference to the recommended Building Research Establishment (BRE) guidelines (2011). It should be noted that new BRE Guidelines have been adopted since the applicant's report was made however, the new guidance remains consistent with the old in respect of impact to neighbouring properties. The data submitted in the report is still considered suitable for assessment in this application.

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

The daylight and sunlight report assesses the impact of the development on windows at the closet properties to the site namely; 49 and 45 Great Cumberland Place, 1 and 3 Wythburn Place, Wythburn Court, and Block 1, Bryanston Court.

Objection has been received raising concern about the impact on daylight and sunlight as a result of the proposals.

An objector has also stated that they consider the daylight and sunlight report initially submitted did not assess at all neighbouring properties, particularly those of objector's properties. The applicant has provided additional data on daylight and sunlight to address this aspect of the objection. This data is included in the discussion below. As a result of this information being provided, this part of the objection can no longer be upheld.

Daylight

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

The report shows that there would be no breach in BRE guidelines related to VSC for the 86 windows tested, so all comply with the guidelines, including the objector's property. Most of the windows tested experience no loss of VSC. The small number of losses identified do not exceed 8% for the most part, with a single window experiencing 12% loss (this is one of two windows serving a bedroom in Wythburn Court, which has a lower requirement for light).

Daylight Distribution No skyline (NSL)

The distribution of daylight within a room is calculated by plotting the 'no sky line' (NSL). The NSL is a line which separates areas of the working plane that do and do not have a direct view of the sky. Daylight may be adversely affected if, after the development, the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value. The report identifies that all of the 68 rooms assessed comply with BRE guidelines for NSL, including the objector's property, with only 5 experiencing any losses (which range from 1%-16%).

It is considered that the results of the study show that the development would have a minimal impact of the daylight levels for surrounding properties, including at the objectors building.

Sunlight

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

The sunlight assessment has identified that 57 rooms require assessment. Of the rooms tested across the properties assessed, none of these experience any loss to light levels, including at the objector's property.

The study shows that there will be no impact on surrounding properties assessed in terms of sunlight.

The submitted daylight and sunlight report and the addendum provided for the objector's property has satisfactorily demonstrated the proposal is acceptable in terms of any likely impact on daylight and sunlight. It is not considered that the objections received concerning impacts of the proposal on surrounding daylight and sunlight can be upheld on the basis of the information provided.

It is noted that an objector raised concern that the proposed privacy screen for the terrace at fourth floor would block light. However, the design of this privacy screen is not completely solid (with 6mm gaps between slats) and is not of a substantial enough size to be considered significant to cause an issue. The location of the proposed screen is closest to a good sized terrace at the objector's property. Any windows and the wall of the neighbours building at that level is some distance back from where the screen will be. Additionally, the location of this screen is to the north of the objector's property, and as a result no direct sunlight would be lost from this given the orientation. Accordingly, this aspect of this objection cannot be upheld.

Sense of Enclosure

The majority of the increased bulk and mass of the proposed works are located at the

rear part of the building in the form of the proposed mansard extension. Given the mansard design, sloping back away from the building edge and also being set back behind the existing parapet, it is not considered that this would lead to any noticeable increased sense of enclosure.

The additional works to the building are located in an area of the site that would only impact any sense of enclosure for the site itself, due to the existing closet wing extensions of the site and the neighbouring site to the north. As such it is not considered that the other extensions would result in any increased sense of enclosure.

An objector has raised concern about the proposed fourth floor terrace privacy screen being an overbearing structure. As noted above, the screen will have slats with small gaps between and therefore not be a solid structure. It is also not of a substantial size at 1.8m high from the terrace level. The level of the terrace at the site is higher than the floor level of the terrace at the objector's property. The boundary wall of the site projects beyond the windows and rear elevation of the objector's property to a higher level than the screen would be. While the privacy screen will project out beyond the main part of the sites boundary wall, it is not considered that it would be of a substantial enough construction to lead to an increased sense of enclosure. It is located some distance away from the objector's windows and the objector's property and terrace will still have a significant amount of openness on the other aspects to the south and west. As a result, this aspect of the objection cannot be upheld.

Privacy

The proposals include a terrace at rear fourth floor for use by one of the flats. This will be located on an existing flat roof. A privacy screen is proposed along the southern side of this terrace (measuring 1.8m high from the terrace level) so as to prevent overlooking to the property to the south, which has a large terrace next to this part of the site. The installation and retention of this privacy screen shall be secured by condition.

Objection has been received to the terrace and the privacy screen on the basis that they will allow overlooking to the adjoining terrace and result in a loss of privacy. The proposed privacy screen is considered suitably designed to prevent overlooking to this neighbouring terrace and has been purposely positioned and negotiated to prevent this. As such, it is not considered that the objection can be upheld.

While the existing flat roof to be used as a terrace projects beyond the rear of the neighbouring building to the north, the angle of any views to the rear elevation of the property and its windows is considered too tight to be granted any view into the windows. The property and the proposed terrace area also have a good distance separating them which, when considered with the angle, would mean there is likely to be little to no risk of overlooking to that property from the terrace.

The location of the terrace and distance to other nearby buildings is not considered to result in any risks of overlooking to other windows.

Objection has been received about overlooking from the proposed dormer windows and the resulting loss of privacy to neighbouring buildings. The dormer windows are set back from the existing building line so will not result in any significant increase in overlooking

or loss of privacy in general, or anything that would be beyond the existing situation or typical for the mews areas to the rear. Concern has been raised that there will be views into the rooflight on the rear roof slope of a property on Wythburn Mews. The applicant has provided information to confirm that the setback nature of both the dormer and the mansard windows, along with the position of the existing rooflight (low on the roof slope and close to the existing blank boundary wall with the site which rises higher than the rooflight), would not allow any views down into this rooflight. As a result, the objection cannot be upheld.

Noise (Terrace)

An objection has been received on the grounds that the new terrace at rear fourth floor level would cause noise disturbance. While these concerns are noted, given that the terrace is for use in association with a residential flat, it would not be considered reasonable for the Council to impose restrictions on its use in the same way that would be done for a commercial terrace (e.g. restricting hours of use etc.). Additionally, the proposed terrace is a relatively small size so it is unlikely that large groups would be able to congregate on it so as to cause noise disturbance. The objection on these grounds cannot be upheld.

Noise & Vibration (Mechanical Plant & Equipment)

The proposals include the installation of a total of 8 air source heat pumps across the site. Three of these units will be located at lower ground floor within a rear lightwell and one in the front lightwell under the lightwell stairs. Five condenser units will be located at the rear third floor, with 1 single unit closer to the main building and 4 in a group located between the main building and the proposed new mansard. All of these units will be within acoustic screening.

An objector has claimed that the submitted acoustic report is not accurate as noise measurements were only taken at front of property and not at the rear which is quieter. This is not the case as the acoustic report took noise measurements in two locations, one being on the Great Cumberland Place frontage, and one at the rear of the site. The objector also pointed out that, at submission, the proposed drawings did not include the necessary acoustic screening around all of the proposed units. This screening has now been included on the proposed drawings.

Environmental Sciences have assessed the submitted acoustic report and advised the proposed equipment is likely to comply with Council noise and vibration criteria however, as the make/model of the units has not yet been finalised, they recommend a supplementary acoustic report is secured by condition to demonstrate compliance. The report sets out that regardless of make/model, all units will require an acoustic screen. The installation and retention of these screens shall be secured by condition. Subject to these conditions, they have no objection on amenity grounds to the proposed mechanical plant and equipment.

Objectors have raised concern about noise, heat and smell from the heat pumps and stated that mitigation is needed for these aspects. As set out above, noise has been assessed and found likely to be acceptable subject to conditions. This aspect of the objection therefore cannot be upheld. With regards to the issue of heat, as the units will

be located outside, any heat which may be generated will ventilate to atmosphere. Regarding the issue raised about smell from the proposed unit, it is not considered that the units would generate smell. These aspects of the objections therefore cannot be upheld.

9.6 Transportation, Accessibility & Servicing

The Highways Planning Manager and Waste Project Officer have assessed the application and raised the following points.

Waste & Recycling Storage

The Highways Planning Manager and Waste Project Officer have both objected to the application on the grounds that the submitted drawings do not indicate the necessary waste storage details. Bin capacity for recycling, food waste and general waste for the development has not been provided.

While the applicants planning statement says that a dedicated bin store is provided, it is not evident on the submitted plans. Details of the necessary waste storage for the units will be secured by condition to overcome this objection.

Cycling & Cycle Storage

City Plan Policy 25 requires developments to promote sustainable transport by prioritising walking and cycling. The provision of long stay cycle parking will support active travel options by residents. Long term cycle parking must be secure, accessible and weather proof.

Long stay cycle parking for developments must be met within the development site itself. The London Plan Policy T5 requires 1.5 space per 1-bedroom unit. The proposal would therefore require a minimum of 12 cycle parking spaces in total, spread appropriately across the site for the relevant units.

While the applicants planning statement says that a dedicated cycle store is provided, it is not evident on the submitted plans. The Highways Planning Manager has therefore objected to the absence of this information. Details of the necessary cycle storage for the units will be secured by condition to overcome this objection.

Parking

Policy 27 supports residential development without car parking provision. However, it is noted that increased residential units in the area will likely increase demand for on-street spaces. The Highways Planning Manager has suggested that Lifetime Car Club Membership for all residential units should be secured to minimise the impact of the proposed development and encourage reduced car ownership of future occupiers.

The site is located in a highly accessible location (PTAL rating 6b, the highest possible), with numerous bus routes and underground stations in close proximity, providing numerous transport options. Given this, and that most car club membership schemes now offer a free membership level, the Highways Planning Manager has agreed that

securing car club membership via the developer is not necessary.

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 residential accommodation proposed will support the local economy through increased local spending, thereby supporting local employment and services.

9.8 Other Considerations

Impact on Amenity During Course of Construction

There are objections about the impact on neighbours during course of construction due to the impact of noise from the works. They have requested that an outline construction noise mitigation needs to be provided. Such a document for a scheme of this size is not a planning requirement and, while these concerns are noted, it is not considered reasonable for the Council to withhold permission on the basis of noise disruption during construction. The standard hours of working condition shall be applied to the permission so ensure that any noisy working is limited to standard construction working hours.

Structural Concerns

An objector has raised concerns regarding structural stability of the site and the neighbouring building during the proposed works. The relatively small scale of the proposals do not require for structural concerns to be taken into consideration under planning legislation. As a result, it would not be reasonable to request substantial information on this topic nor for the Council to withhold permission on the grounds of these concerns. The proposals will still be subject to Building Control regulations. This objection therefore cannot be upheld.

Security Risk

An objector has claimed that the proposed mansard roof to the rear of the property would cause a security risk to adjoining properties as the roofs would be accessible from the new windows. They have requested measures to prevent access from these windows. While these concerns are noted, it must also be noted that access to the roofs of concern and to the area where the mansard is proposed is already possible from the property via the windows on the main rear elevation. Given that the proposed windows will serve residential flats, it is not considered that there would be an increased security risk. In light of this, it is not considered reasonable to withhold permission on the grounds of this point of objection.

Development Prejudicing Neighbouring Sites Development Opportunities

An objection has been received stating that they have concern that the remodelling in the area of the site where the existing lift shaft is may "*reduce possibilities for adjoining properties*". The lift shaft is located in an internal lightwell in the site and the only part of the neighbouring site here is a blank boundary wall elevation. The proposals in this part

of the site do not rise above the boundary. It is therefore not considered that the proposals would prejudice the development opportunities of the site and this aspect of the objections cannot be upheld.

Document Errors and Inconsistencies

An objector has raised a series of errors or inconsistencies in the submitted documents, such as required acoustic screening not being shown on the originally submitted drawings, and relationship to neighbouring buildings not shown on drawings. During the course of the application these issues have been amended by the applicant and re-consultations carried out. As such it would not be reasonable for the Council to withhold permission on these grounds.

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 proposals will provide seven residential flats at the site which is supported by the Council. The existing use cannot be clearly identified, but it is believed there is an element office use within the existing mix of the use. While the loss of this office aspect of the use is not strictly in compliance with Policy 13 of the City Plan 2019-2040 (as the area is not predominantly residential), in this instance it is considered acceptable given the provision of the residential accommodation and the opportunity to bring the building back into full use.

Subject to conditions securing compliance with noise and vibration criteria and the installation of acoustic screening for the mechanical plant, and the installation of a privacy screen for the terrace, the proposals are acceptable in amenity terms.

Whilst being mindful of policies 38 and 39 of the City Plan 2019-2040, given the public benefits that would be delivered, which comprise the provision of a mix of residential units and bringing an underutilised building back into use, the proposal is considered acceptable in terms of its impact on the designated heritage asset(s). Therefore, the recommendation to grant conditional planning permission and listed building consent is compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

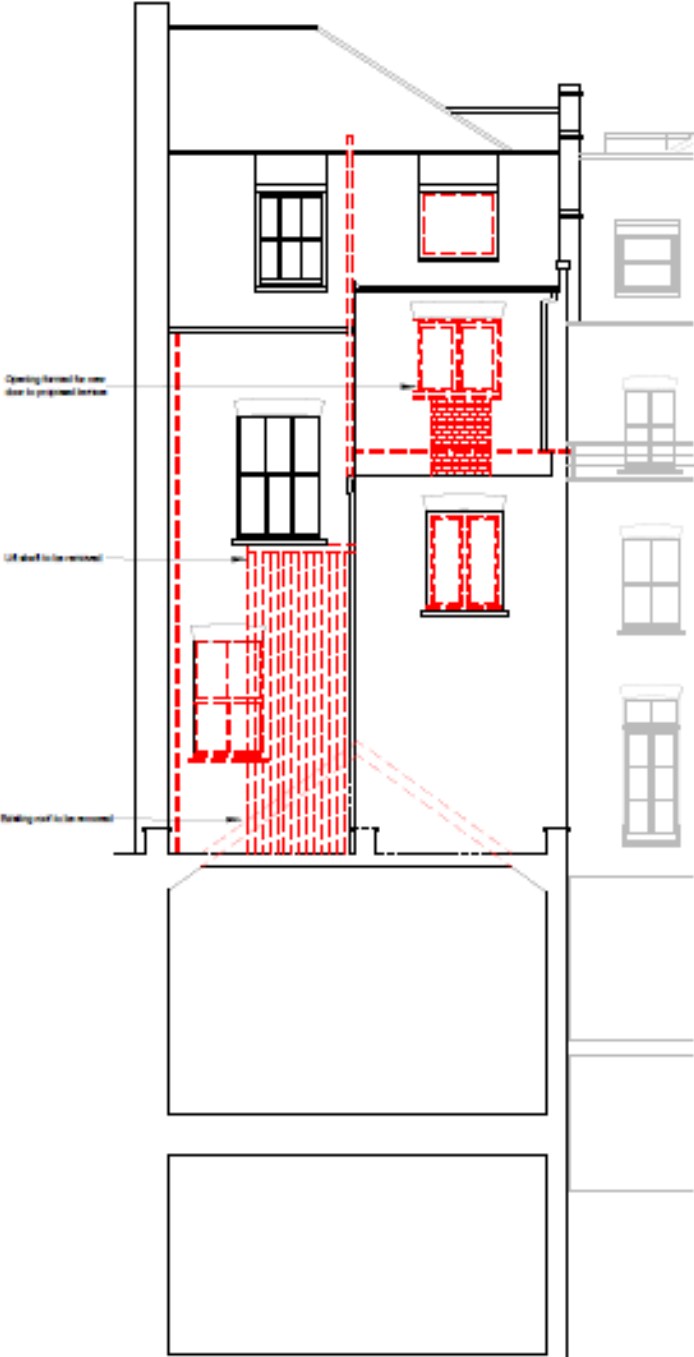
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: PAUL QUAYLE BY EMAIL AT pquayle@westminster.gov.uk

11. KEY DRAWINGS

Existing (left) and Proposed (right) Front Elevation

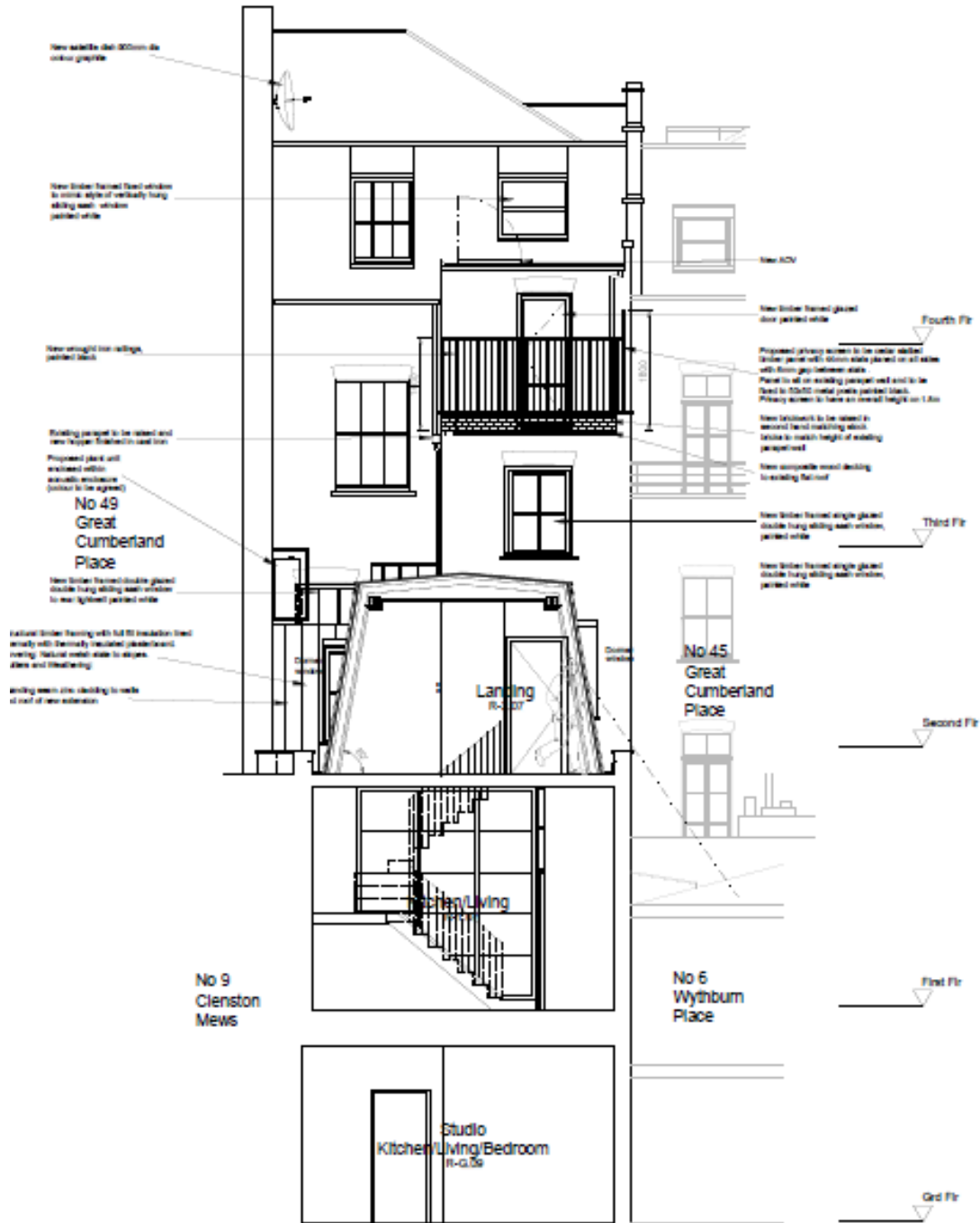


Existing Rear Elevation



Rear Sectional Elevation A - A

Proposed Rear Elevation



Rear Sectional Elevation A - A

Existing Section B-B



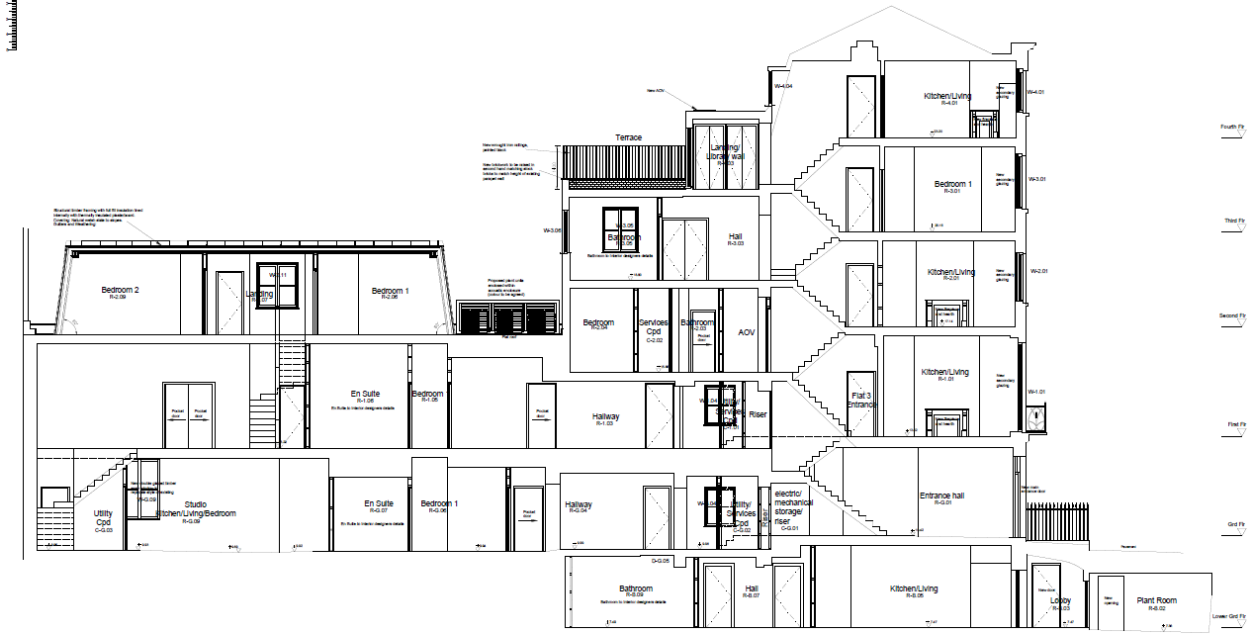
Proposed Section B-B



Existing Section C-C



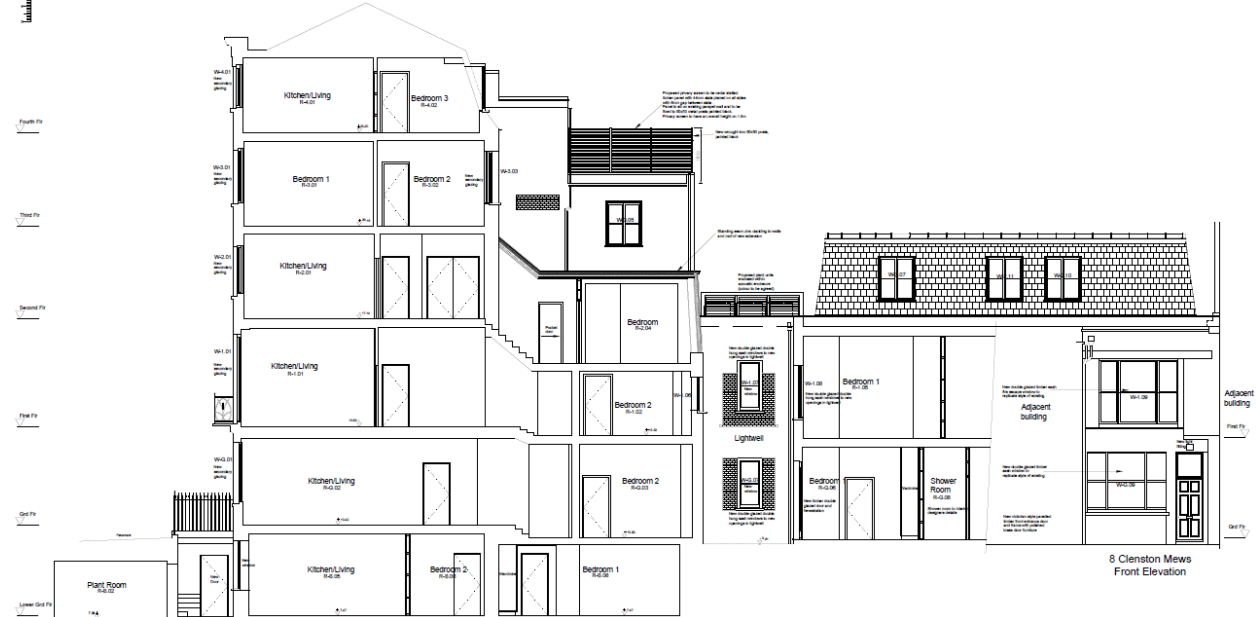
Proposed Section C-C



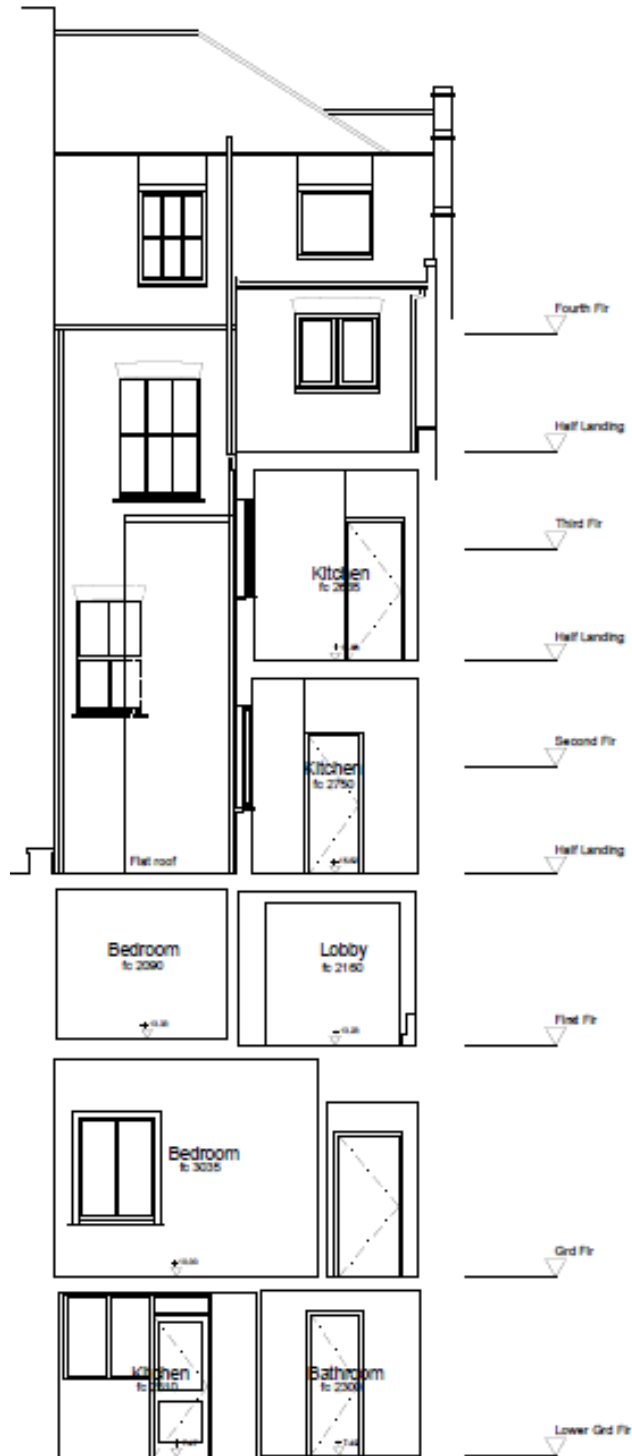
Existing Section D-D (with Clenston Mews Elevation)



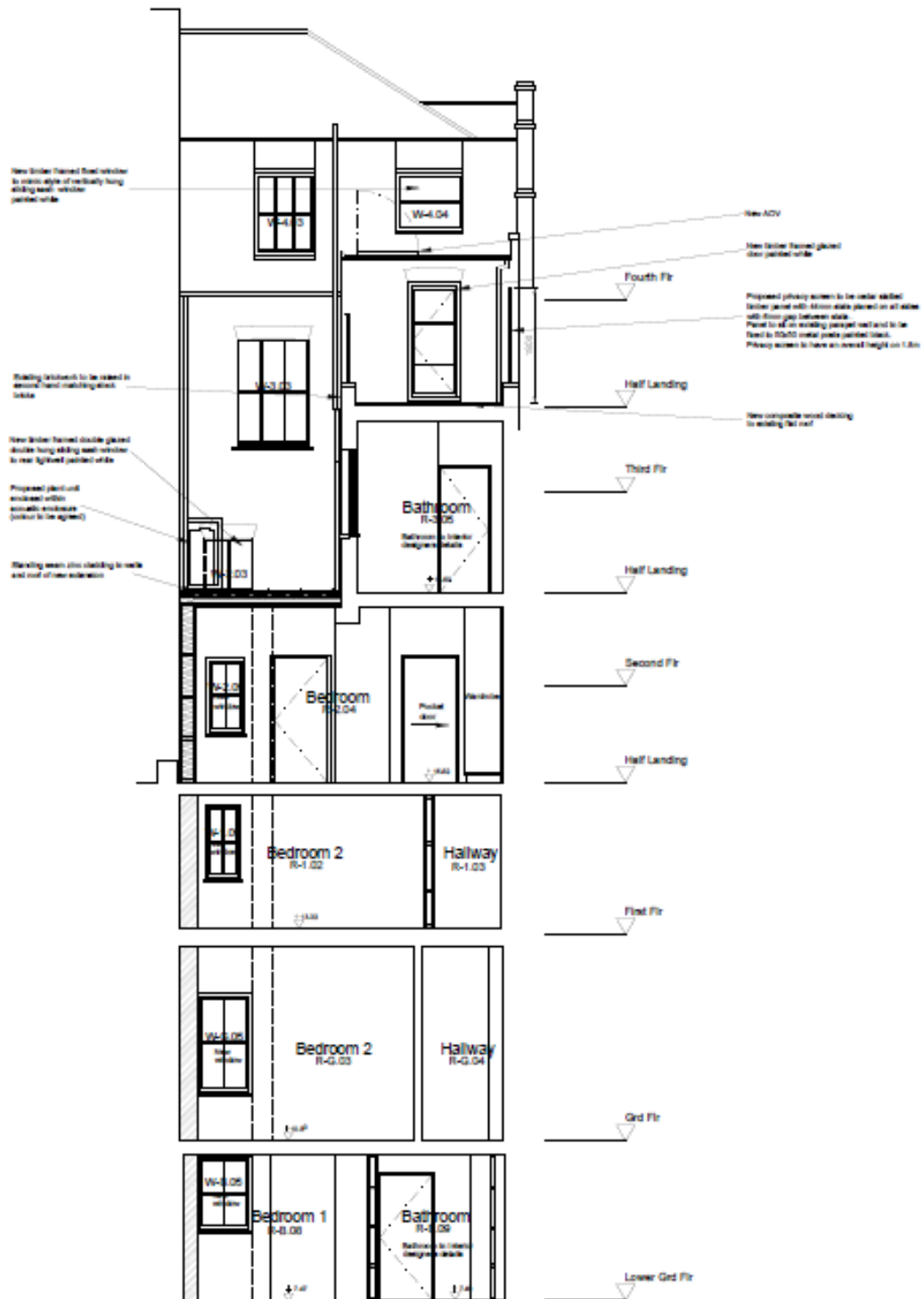
Proposed Section D-D (with Clenston Mews Elevation)



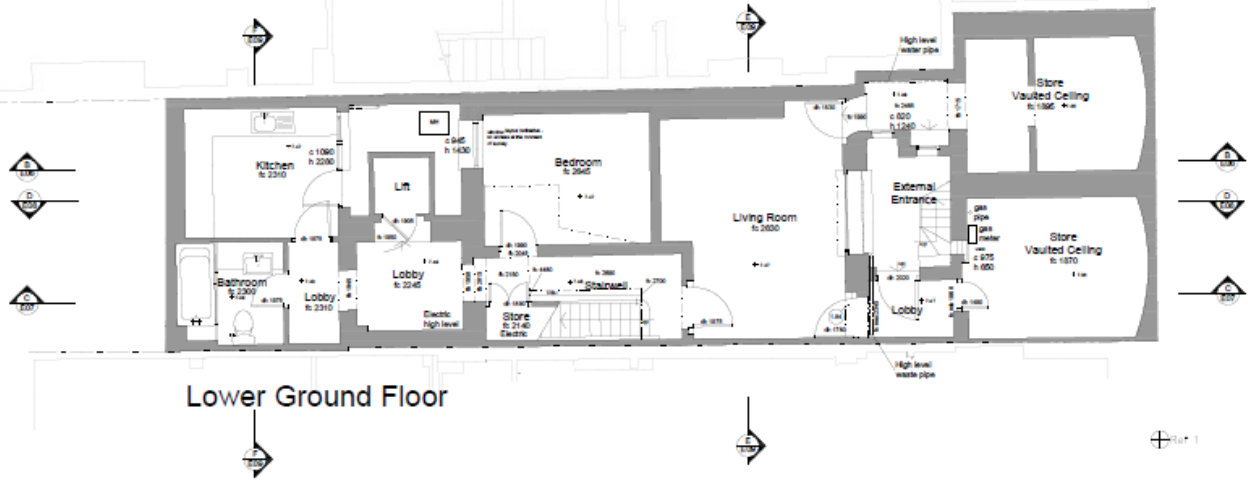
Existing Section F-F



Proposed Section F-F

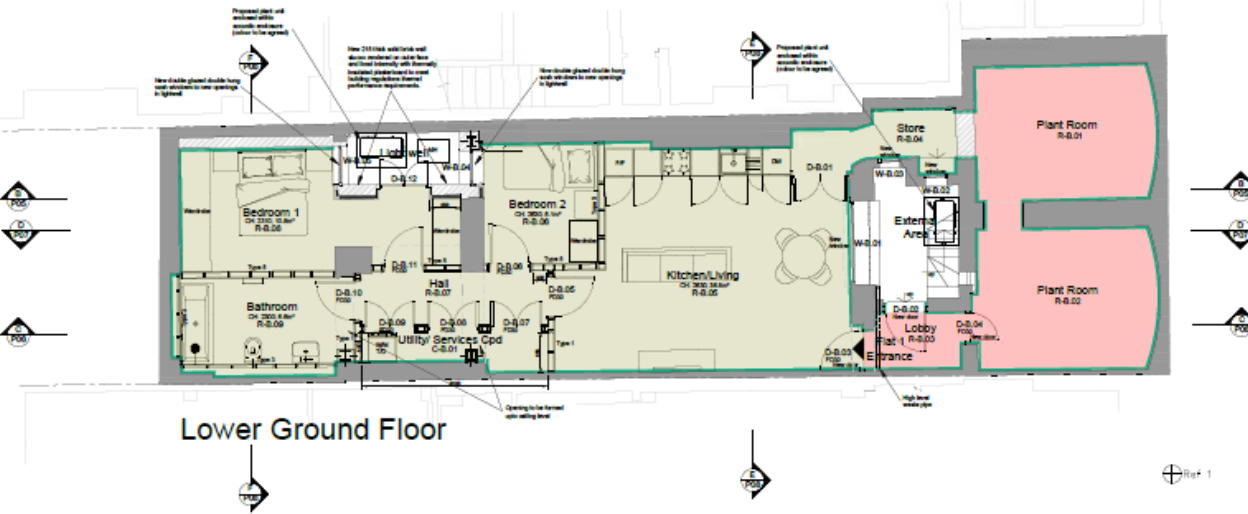


Existing Lower Ground Floor



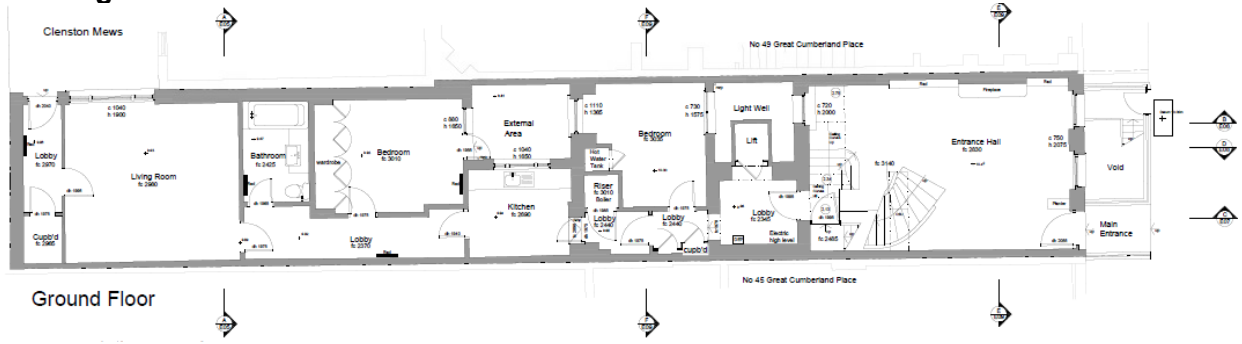
Lower Ground Floor

Proposed Lower Ground Floor

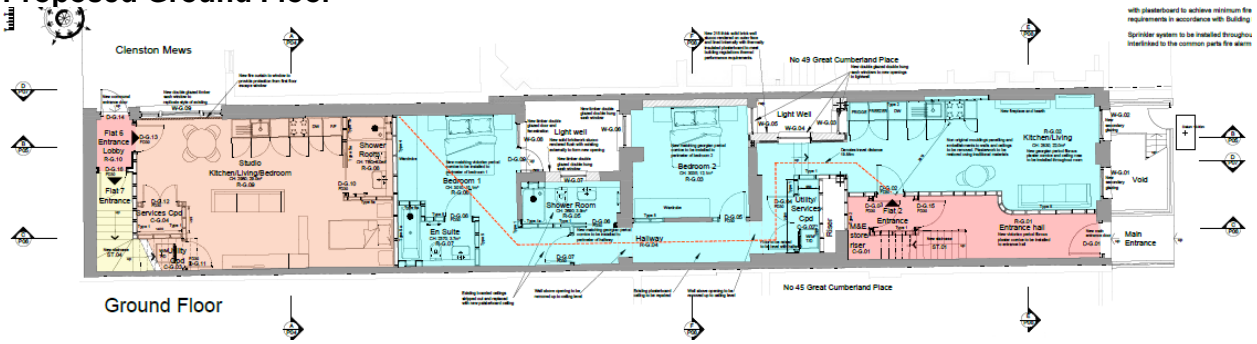


Lower Ground Floor

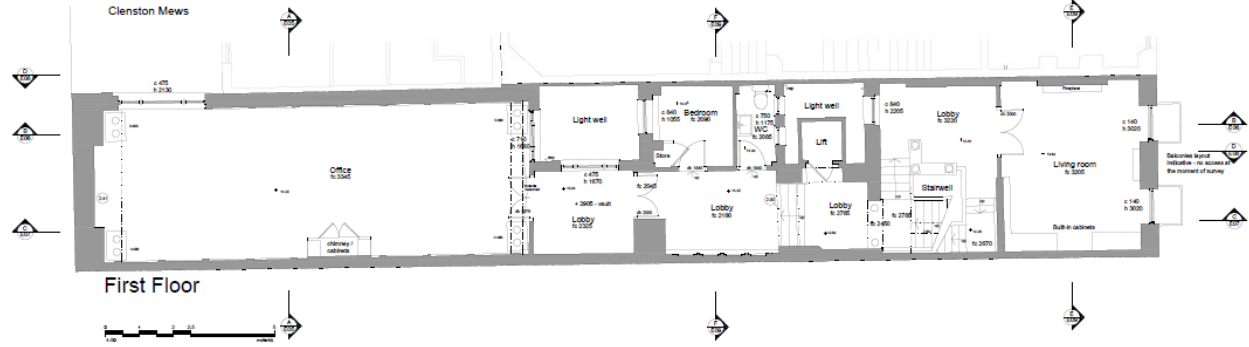
Existing Ground Floor



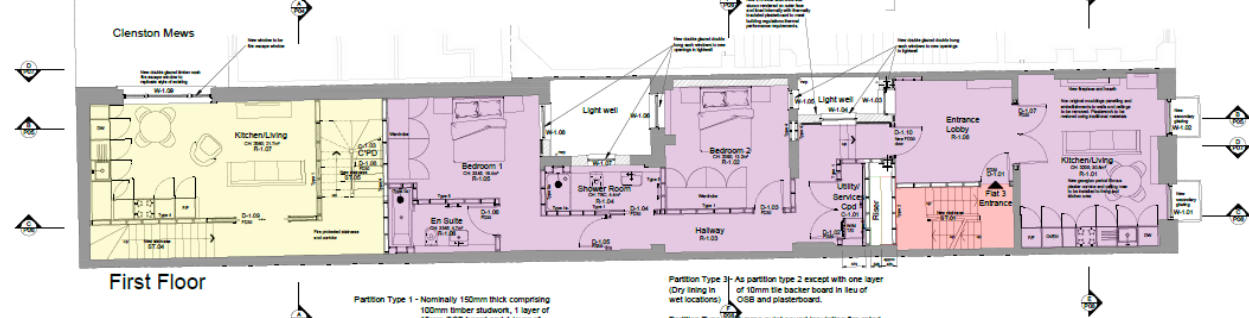
Proposed Ground Floor



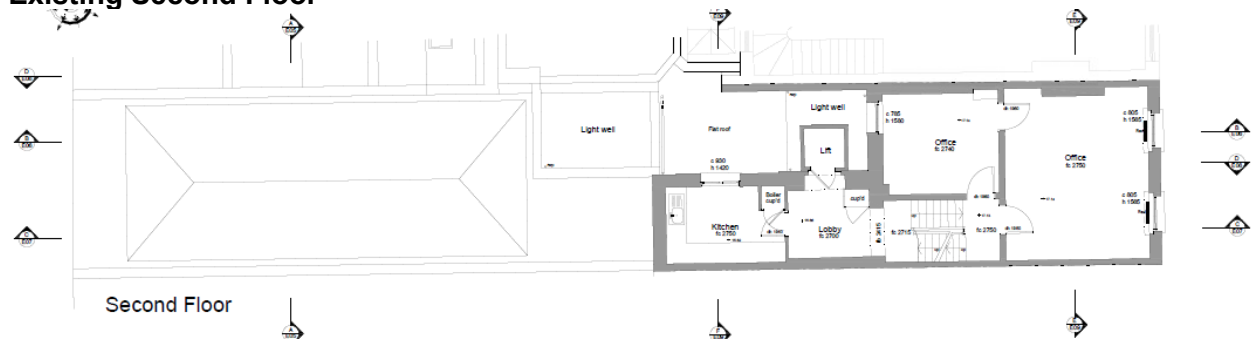
Existing First Floor



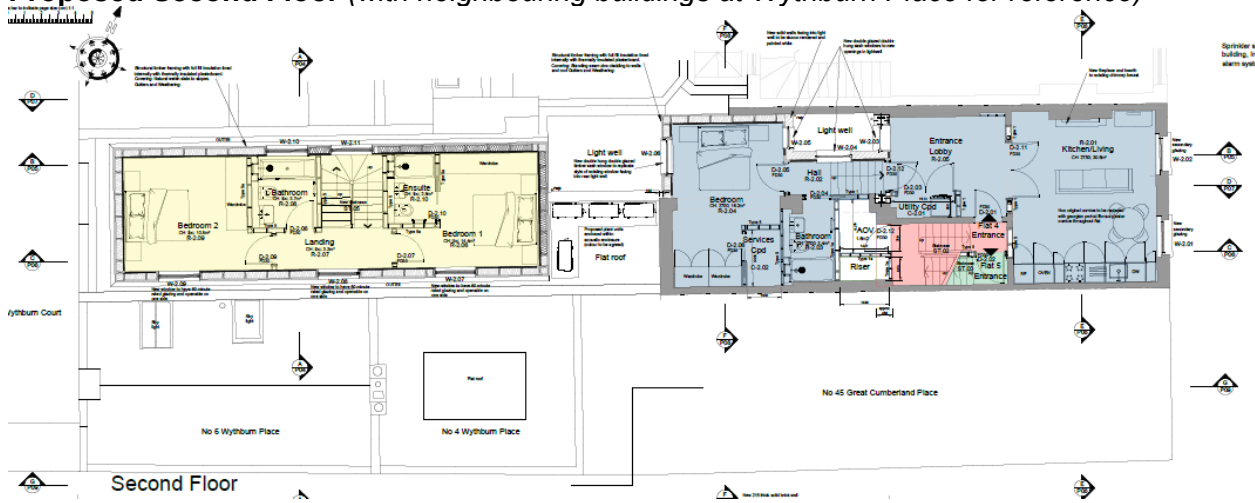
Proposed First Floor



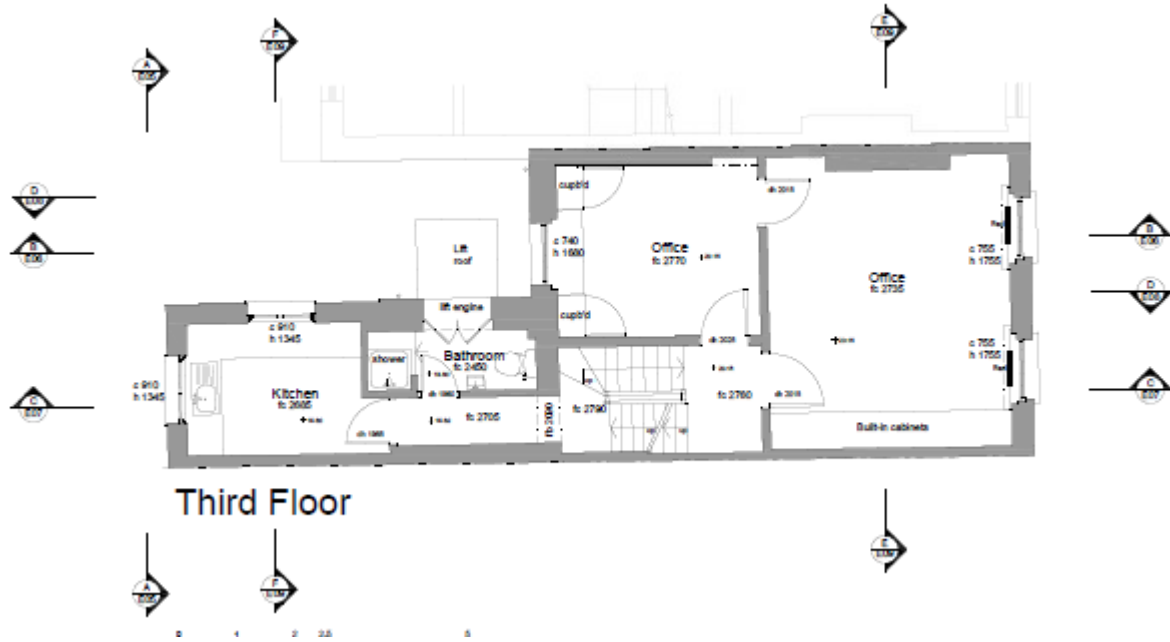
Existing Second Floor



Proposed Second Floor (with neighbouring buildings at Wythburn Place for reference)

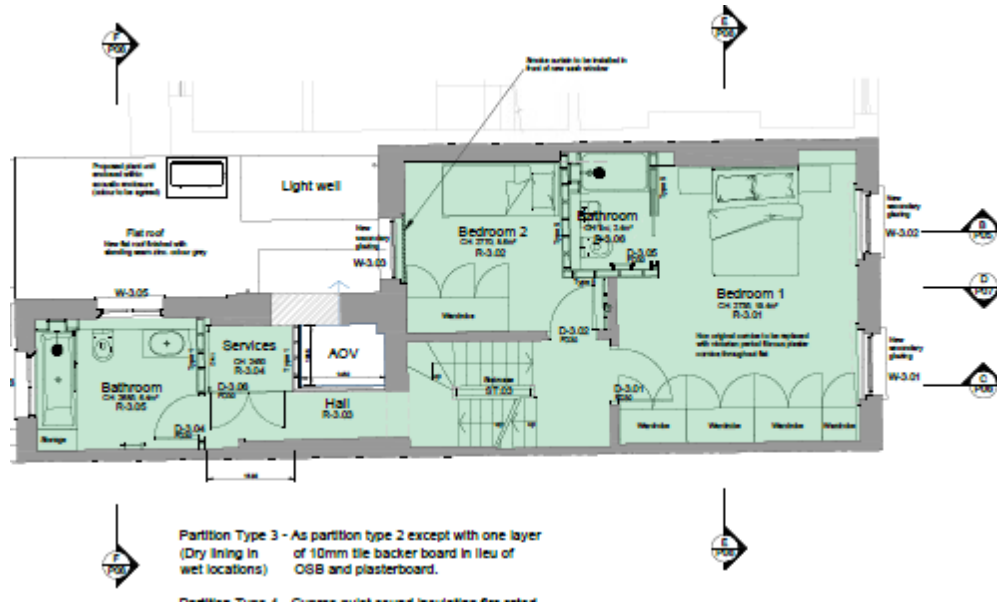


Existing Third Floor

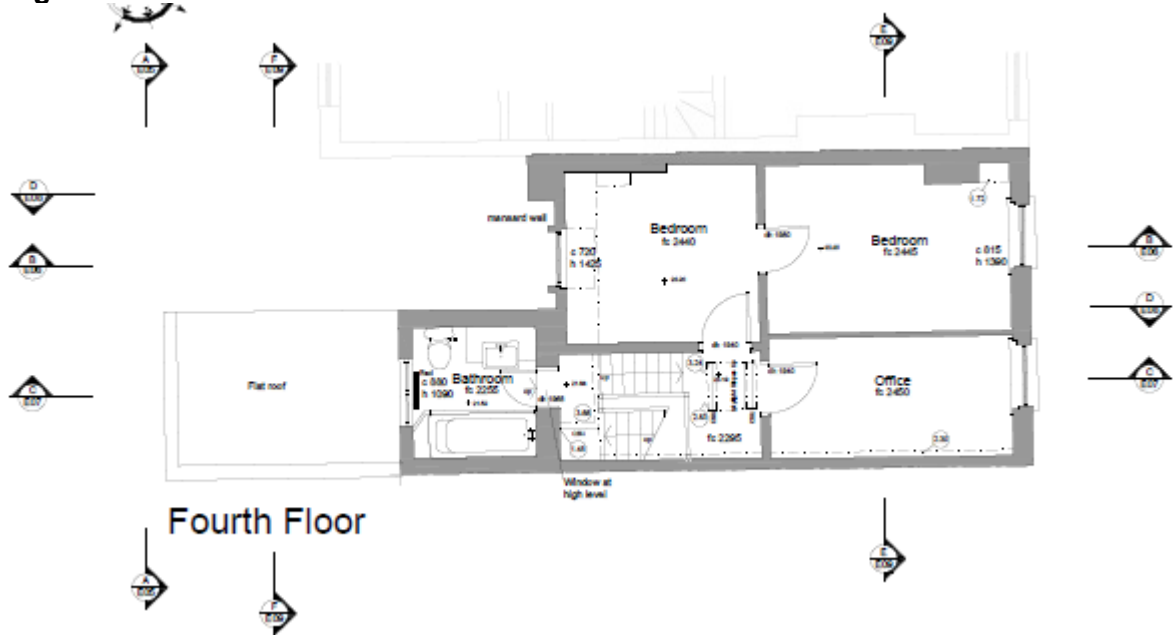


Third Floor

Proposed Third Floor

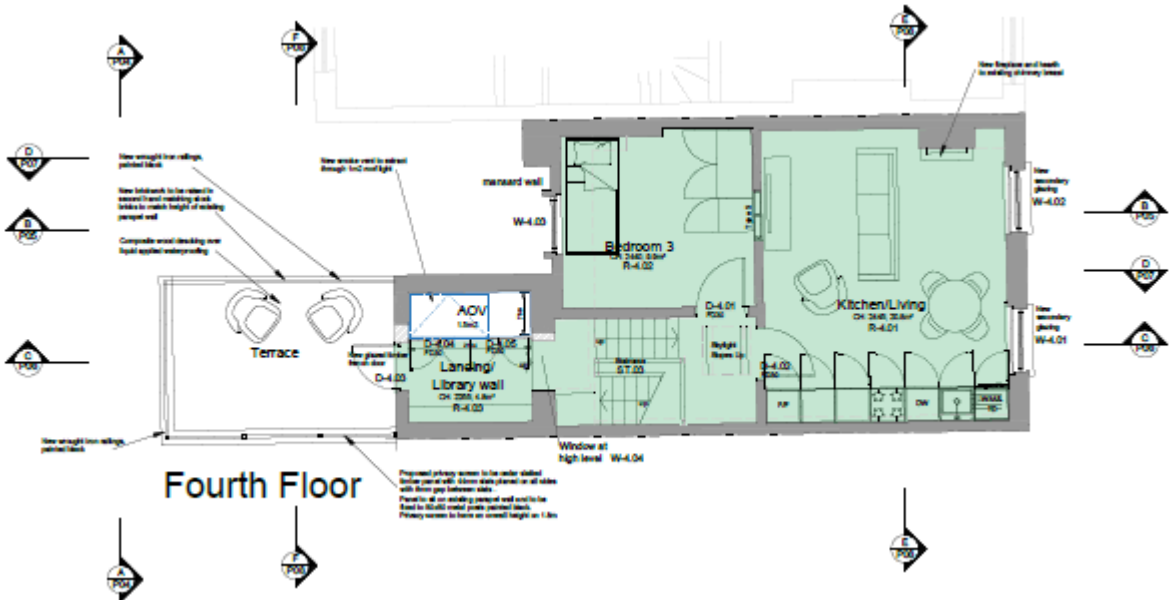


Existing Fourth Floor



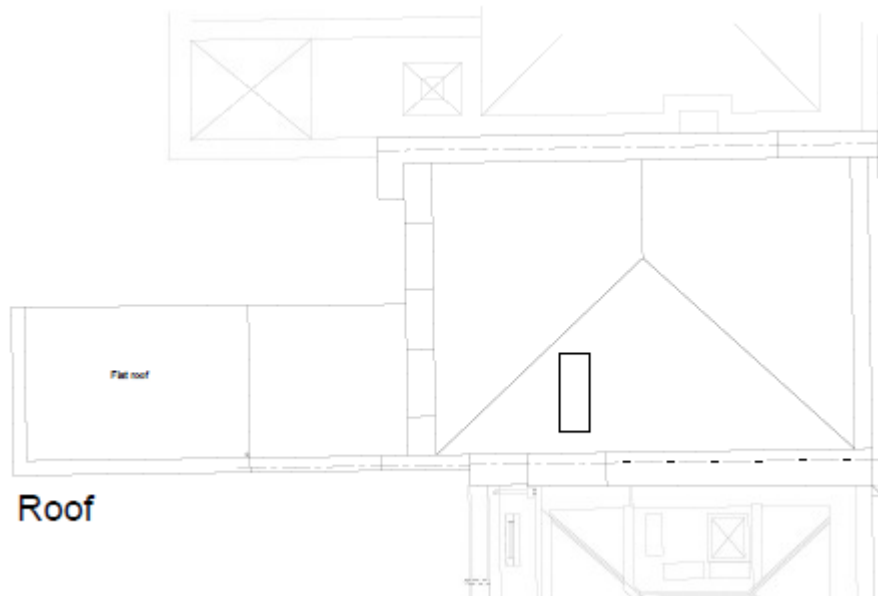
Fourth Floor

Proposed Fourth Floor

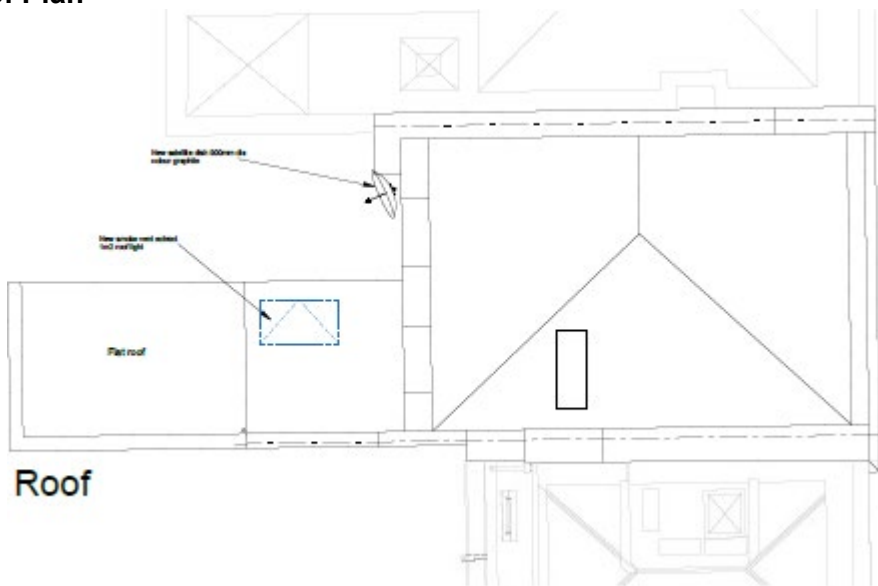


Fourth Floor

Existing Roof Plan



Proposed Roof Plan



DRAFT DECISION LETTER FOR 22/04335/FULL

Address: 47 Great Cumberland Place, London, W1H 7TQ

Proposal: Internal and external works, including partial infill extension of inner lightwell at lower ground, ground, first and second floors; rear second floor extension, terrace at rear fourth floor, and a mansard roof extension to the rear mews building, removal of a lift, various modern additions, and reinstatement of hallway. Installation of 2 condenser units at lower ground floor and 5 at rear third floor. Use of the building as seven residential apartments.

Reference: 22/04335/FULL

Plan Nos: 27099/P/01 Rev. P4 ; 27099/P/02 Rev. P2 ; 27099/P/03 Rev. P4 ; 27099/P/04 Rev. P4 ; 27099/P/05 Rev. P3 ; 27099/P/06 Rev. P4 ; 27099/P/07 Rev. P4 ; 27099/P/08 Rev. P4 ; 27099/P/09 Rev. P2 ; Noise Impact Assessment (First Issue), dated 20th June 2022, by Parker Jones Acoustics Limited, for 47 Great Cumberland Place, London, W1H 7TQ

Case Officer: Adam Jones

Direct Tel. No. 07779431391

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Reason:

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

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

Reason:

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

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

- 5 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R48AB)

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

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the 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. (R51AC)

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

Reason:

To protect 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 You must install the privacy screen at the fourth floor terrace as shown on the approved drawings before anyone uses the terrace. You must then maintain the privacy screen in the form shown for as long as the terrace remains in place.

Reason:

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

- 9 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 residential flats (Class C3) 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 residential flats (Class C3). 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)

- 10 You must apply to us for approval of details of secure cycle storage for the residential (Class C3) use. You must not start any work on this part of the development until we have approved in writing what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation and make it available at all times to everyone using the residential flats (Class C3). You must not use the cycle storage for any other purpose. (C22HA)

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)

- 11 You must apply to us for approval of detailed drawings at 1:5 and 1:20 of the following parts of the development:
- wrought iron balustrade,
 - all new external windows and doors,
 - plant screens.

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

Reason:

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

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

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 Portman Estate Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

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

Reason:

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

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

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 Portman Estate Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

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

-The use of lead, rather than zinc, for the mansard roof and second floor extension.

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 Portman Estate Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 16 All of the hereby approved mechanical plant equipment shown on the approved drawings must be Air Source Heat Pumps.

Reason:

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

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 Conditions 4, 5, 6 and 7 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 3 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (including date decision and planning reference number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 4 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.
- 5 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, for example by issuing regular bulletins about site progress.

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 FOR 22/04336/LBC

- Address:** 47 Great Cumberland Place, London, W1H 7TQ
- Proposal:** Internal and external works, including partial infill extension of inner lightwell at lower ground, ground, first and second floors; rear second floor extension, terrace at rear fourth floor, and a mansard roof extension to the rear mews building, removal of a lift, various modern additions, and reinstatement of hallway. Use of the building as seven residential apartments.
- Reference:** 22/04336/LBC
- Plan Nos:** Proposed Plans: 27099/P/01 Rev. P4 ; 27099/P/02 Rev. P2 ; 27099/P/03 Rev. P4 ; 27099/P/04 Rev. P4 ; 27099/P/05 Rev. P3 ; 27099/P/06 Rev. P4 ; 27099/P/07 Rev. P4 ; 27099/P/08 Rev. P4 ; 27099/P/09 Rev. P2.
Proposed Reflected Ceiling Plans: 27099/C/01 ; GD 586-GA 131 Rev. P2 ; GD 586-GA 132 Rev. P2 ; GD 586-GA 133 Rev. P2.
Proposed Lighting Plans: 586 GA 141 Rev. P2 ; 586 GA 142 Rev. P2 ; 586 GA 143 Rev. P2

Case Officer: Adam Jones

Direct Tel. No. 020 7641
07779431391

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this 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)

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

Reason:

To protect the special architectural or historic interest of this 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)

- 5 You must apply to us for approval of detailed drawings at 1:5 and 1:20 of the following parts of the development:
- a) wrought iron balustrade,
 - b) all new windows and doors,
 - c) plant screens,
 - d) new staircase,
 - e) all new fireplace surrounds and fireplace ironmongery,
 - f) new cornices, dados skirtings and other decorative plasterwork,
 - g) secondary glazing.

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in 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)

- 6 You must apply to us for approval of drawings showing the following alteration to the scheme: , , -The use of lead, rather than zinc, for the mansard roof and second floor extension, , 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 Portman Estate Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 7 All new outside rainwater and soil pipes must be made out of metal and painted black. (C27HA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in 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.

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

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 21 February 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved Marylebone	
Subject of Report	27 Upper Berkeley Street, London, W1H 7QN		
Proposal	Use of part basement, part ground and first to fourth floor as four residential flats (Class C3) . External alterations including the creation of a roof terrace enclosed with railings with a perimeter living roof, installation of replacement windows, installation of stair to front lightwell and internal alterations at all levels.		
Agent	Anthro Architecture Ltd		
On behalf of	Obbard Ltd		
Registered Number	22/07524/FULL and 22/07525/LBC	Date amended/ completed	17 November 2022
Date Application Received	7 November 2022		
Historic Building Grade	Grade II		
Conservation Area	Portman Estate		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

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

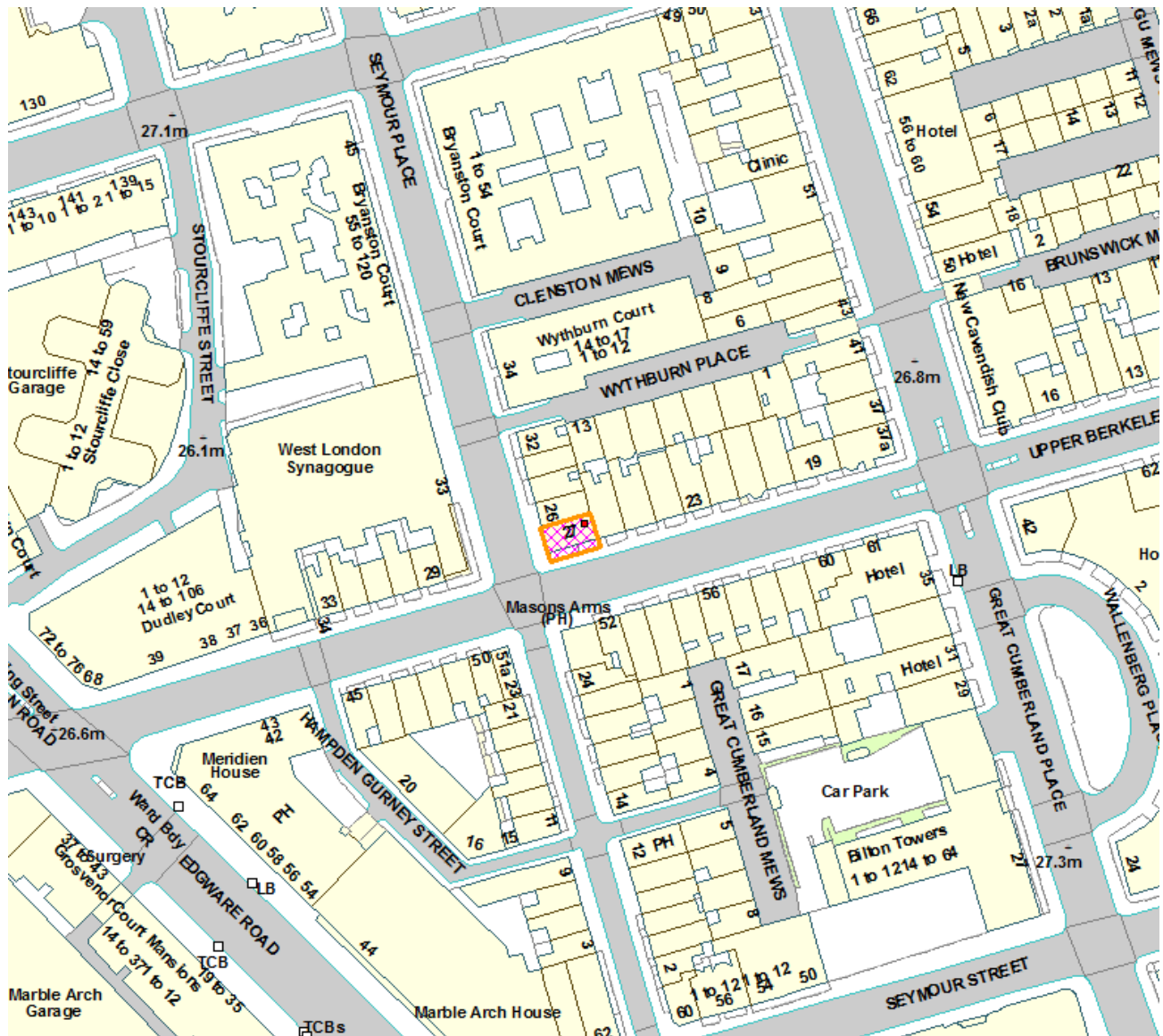
2. SUMMARY & KEY CONSIDERATIONS

Permission is sought for the use of the property (excluding the retail unit (Class E) at part ground and part basement level) as four residential units and associated internal alterations, the creation of a roof terrace/green roof and external alterations including the installation of replacement windows.

The key consideration in this case is the acceptability of the loss of a form of specialist housing.

For the reasons set out in the main report, it is considered that the proposal, with conditions, is acceptable in land use, design and amenity a terms and neighbouring residential occupiers would not be unduly harmed. As such, the application is recommended for approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

5.1 Application Consultations

AMENITY SOCIETY (Marylebone Association):
Any response to be reported verbally.

HISTORIC ENGLAND
Raised concern regarding the impact of the roof alterations on the town house and terrace.

20th CENTURY SOCIETY
Any response to be reported verbally.

The VICTORIAN SOCIETY
Any response to be reported verbally.

ANCIENT MONUMENTS SOCIETY
Any response to be reported verbally.

COUNCIL FOR BRITISH ARCHAEOLOGY
Any response to be reported verbally.

SOCIETY FOR THE PROTECTION OF ANCIENT BUILDING
Any response to be reported verbally.

THE GEORGIAN GROUP
Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 6

No. of replies: 4 letters of support on the following grounds:

- Anti-social behaviour emanating from the property, when last in use, has been detrimental to local businesses and the neighbourhood generally

PRESS NOTICE/ SITE NOTICE:
Yes

5.2 Applicant's Pre-Application Community Engagement

The applicant has not submitted a Statement of Community Involvement and the other application documents do not indicate that engagement was carried out by the applicant with the local community and key stakeholders in the area, prior to the submission of the planning application. However, the Early Community Engagement guidance only expects such engagement to take place where proposals of this nature may have a significant impact on residential amenity or other noise sensitive receptors.

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

27 Upper Berkeley Street forms part of a terrace of nine houses of c.1800. It is grade II listed and is in the Portman Estate Conservation Area and the Central Activities Zone (CAZ).

The building comprises of five storey's plus a basement and on a corner plot, with a shop unit on the Seymour Place elevation, and the residential entrance to Upper Berkeley Street elevation.

As confirmed by the Planning Inspectorate in the appeal decision dated 22 January 2019 (see Relevant History below) , with the exception of the commercial unit at part basement and part ground floor, the building was last in use as a house of multiple occupation (HMO) containing 12 rooms.

The building is currently in a state of neglect and is in urgent need of structural repair, along with a full refurbishment both internally and externally. The property has not had a roof for at least two years as a result of unauthorised works undertaken by the previous

tenant (a long term tenant accommodation provider, recently evicted). Water ingress has now caused damage to the building structure, leading to movement and cracking on the main facades. The landowner has carried out temporary structural works to support the building and ensure further dilapidation is avoided.

7.2 Recent Relevant History

On 12 October 2017 (RN: 17/05548) an application for listed building consent was granted for 'external alterations including the laying of limestone pavers within the forecourt and entrance steps infill of windows to rear, removal of stair on rear elevation, installation of replacement windows throughout, installation of domed roof light at main roof level, removal of soil pipes on the Seymour Place and Upper Berkeley Street elevations, installation of replacement doors at basement level and Internal alterations throughout'

On 12 October 2017 (RN: 17/05547), an application for the 'use of the part basement and part ground floor and the upper floors as ten HMO units. External alterations including the laying of limestone pavers within the forecourt and entrance steps infill of windows to rear, removal of stair on rear elevation, installation of replacement windows throughout, installation of domed roof light at main roof level, removal of soil pipes on the Seymour Place and Upper Berkeley Street elevations and installation of replacement doors at basement level' was refused on the basis that the proposal would result in the loss of a HMO, would provide substandard accommodation and would provide an inappropriate mix of housing. This was subsequently allowed at appeal on 22 January 2019 (Ref: APP/X5990/W/18/3200129).

Whilst it is clear that some works took place on-site, it is not clear whether those works related to the permitted development and therefore whether or not the aforementioned consents were technically implemented and are therefore extant or not.

There is an ongoing enforcement investigation relating to this property and, as a consequence, three formal listed building enforcement notices were served with effect from 04 November 2020 in relation to the following unauthorised works:

- unauthorised removal of the roof,
- internal alterations at fourth floor level, including the removal of ceilings and partition walls, and
- the removal, and/or damage of existing balustrading, newel posts and spindles from the stairway on and between ground floor and fourth floor levels.

These works should have been complete within three months of the enforcement notice was effective from.

An Emergency Prohibition Order was served in February 2020 which prevented the occupation of the property, due to the condition of the property and associated safety concerns.

8. THE PROPOSAL

Planning permission and listed building consent are now sought for the use of the property (excluding the retail unit (Class E) at part ground and part basement level) as

four residential units (three 1-bed unit and one 3-bed unit, totalling 246.5 sqm GIA) and associated internal alterations, alterations to the front and side elevations including replacement windows and creation of roof terrace with permitter green roof and associated works.

9. DETAILED CONSIDERATIONS

9.1 Land Use

Loss of Specialist housing

'Specialist housing' is defined within the City Plan as 'Affordable housing, hostels, Houses in Multiple Occupation, housing for those with special needs including elderly people, students, people with learning or physical disabilities, or mental health problems, or other supported accommodation'. With respect to the loss of the existing HMO use, City Plan Policy 10 (D) applies: This states that 'all existing specialist and supported housing floorspace will be protected from changing to non-specialist or supported residential use except where it is demonstrated that:

1. The accommodation is of poor quality, does not meet contemporary requirements and is not capable of being upgraded; or
2. The use has a demonstrable and significant adverse effect on residential amenity; or
3. It is surplus to requirements as any form of specialist or supported housing; or
4. The accommodation is being adapted or altered to better meet specialist need or to enable residents to remain in their existing property.

It is not considered that points 3 or 4 are relevant to the proposed development.

With respect to point 1, during the course of the previous planning application for the site the Council's Environmental Health considered that the HMO accommodation did not meet current standards. Given that an Emergency Prohibition Order was served in February 2020 and the poor condition of the property as seen during site visit (the most recent of which was in September 2022), it is clear that the existing accommodation is of poor quality and does not meet contemporary requirements. However, it cannot be said that the existing accommodation is not capable of being upgraded to provide specialist housing, given that permission has been granted for upgrading the quality of the residential accommodation, whilst retaining it as specialist housing. Even if this permission has lapsed, on the face of it, it appears likely that such a scheme remains acceptable. Further, it is likely that the property could house other forms of 'specialist housing'. However, the applicant has provided a current estimated cost analysis to carry out a basic restoration of the building, which would be over £3.6 million; this is largely due to the structural repair/safety, and works required for the building to become water tight, which the applicant claims would render the use as any form of specialist housing unviable.

With respect to point 2, during a site visit carried out during the course of the 2017 planning application, Council officers consider that it is likely that illicit activity was taking place on site. Additionally, as part of the enforcement investigation, Council Officers attended a Housing Taskforce meeting in March 2020. The meeting minutes allude to the fact that when the site was last occupied as a HMO and that there was antisocial behaviour taking place on site. The Applicant has stated that the building was previously

being used as a brothel, with evidence of illegal drug dealing also apparent. Letters of support have been submitted on behalf of Halcyon London International (secondary school) and neighbouring businesses who considered that the anti-social behaviour emanating from the property has been detrimental to local businesses and the neighbourhood generally. Whilst the impacts of the harmful amenity impact are duly noted, it is not clear whether they are fundamentally linked to the nature of the lawful use rather than merely how it was managed.

The aforementioned exceptions of relevance to this case are extremely difficult to clearly demonstrate. However, given that the existing accommodation is of poor quality, does not meet contemporary requirements, the significant costs associated with a basic restoration, the significant adverse effect on the local neighbourhood when last occupied and the benefits of the proposal as listed below, when considering the development plan as a whole, the proposal is considered to be acceptable.

Benefits of proposal

- Ensuring the longevity/structural soundness of the listed building.
- Existing non-original sashes to the elevations will be replaced with more locally appropriate “6 over 6” and “9 over 9” style sashes.
- The metal stairs to the main lightwell will be reinstated to match those of the adjacent properties.
- Redundant pipework will be removed, and the brickwork restored.
- Removal of non-original partitions and reinstatement of a more historically appropriate plan form.
- Reinstatement of original elements, including skirting, cornices, architraves and doors.
- Reinstatement of historically appropriate chimneypieces and grates in first floor, second floor and third floor reception rooms.
- Re-occupation of a vacant building.
- Provision of cycle parking.
- Provision of external amenity space.
- Provision of urban greening.
- Improved thermal performance of the building.

Proposed Residential Accommodation

Policy 8 of the City Plan 2019-2040 (April 2021) states that Westminster seeks to optimise housing delivery by optimising site densities, delivering a higher number of homes on small sites, permitting appropriate upwards extensions, and planning positively for tall buildings in certain locations. As such the principle of additional residential units in this location is acceptable in principle.

Furthermore, the policy goes on to state that no new homes in Westminster will exceed 200 m² Gross Internal Area. The proposed flats range from 45.4 m² to 105 m² and therefore would not exceed the maximum space standard.

Policy 10 of the City Plan states that residential developments will provide a mix of units in terms of size, type and tenure to secure mixed and inclusive communities and contribute towards meeting Westminster’s housing needs; however, the policy does go on further to state that 25% of all new homes across Westminster will be family sized (3 bed or more). The proposed development would provide three 1-bed units (45.4 sqm,

45.8 sqm and 51.5 sqm) and one 3-bed/family sized unit (105 sqm), so the proposal includes 25% of family-sized accommodation and is therefore policy compliant.

Policy 12 of City Plan requires that all new homes and residential extensions will provide a well-designed, energy efficient and high-quality living environment and all new homes will meet or exceed the Nationally Described Space Standards. The policy goes on to say that all new-build homes will provide at least 5 m² of private external amenity space for each dwelling. Where it is sufficiently demonstrated that it is not practicable or appropriate to provide any type of external amenity space, additional internal living space equivalent to the external requirement is required.

The proposal includes the creation of a roof terrace for use in connection with the third and fourth floor duplex unit. The remaining flats do not provide the outdoor amenity space required by policy. There are however obvious site constraints which prevent the provision of external space. All of the units are at least a few square metres greater than the minimum unit size prescribed with the Nationally Described Space Standards. All of the units are dual aspect and would provide a good standard of accommodation.

Policy 9 of the City Plan 2019 – 2040 (April 2021) requires that at least 35% of all new homes will be affordable across Westminster where 10 units are being provided or the increase in residential floorspace totals 1,000 m² GIA. The scheme does not trigger the requirements to provide affordable housing.

9.2 Environment & Sustainability

This proposal is an electric only development with electric boilers located in each of the apartments. Additionally, the proposal includes the installation of double glazed windows which will improve the thermal performance of the building.

9.3 Biodiversity & Greening

The proposal includes the provision of a permeable living roof at main roof level. This is welcome and will ensure that the proposal results in a biodiversity net gain.

9.4 Townscape, Design & Heritage Impact

Legislative & Policy Context

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

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the LBCA Act') requires that "In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Section 66 of the LBCA Act requires that "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

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

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.

Assessment

The most significant changes proposed, in terms of their impact on the special interest of the listed building are:

- Removal of inserted partitions at all levels.
- Alterations to the existing historic stair at ground floor to create an internal access to the basement from the ground floor flat.
- Creation of an internal lobby within the ground floor room
- Altering the basement level sash windows to form French windows.
- Reordering the existing WCs at half landing levels so they relate instead to the principal floor levels.
- Alterations to existing bathrooms.
- Creation of a roof terrace

Except in the ground floor room, the changes result in an improvement to plan form. Subdivisions are removed at each level from within the Upper Berkeley Street facing rooms. Later bathroom insertions are removed from Seymour Place facing rooms and relocated to the Upper Berkeley Street rooms.

The proposed soundproofing of the floors is considered to be acceptable; a detailed drawing has been supplied showing the proposed methodology. The existing ceilings, which may be historic lath and plaster ceilings, are retained, and there is no build-up of existing floor levels.

The works which cause some degree of harm to the special interest of the listed building are the reordering of the half-landing WCs, the changes to the plan form of the ground floor room, and the alteration to the staircase at ground / lower ground floor.

At present each half landing has a door to a WC. The proposals seek to remove the floors / ceilings of each of the half-landing WCs and incorporate them into the principal floor levels, so that they can serve as part of the layout of the individual flats at main floor levels. This will involve the loss of some historic fabric.

The most intrusive part of the proposals, in terms of the impact on surviving features of interest, is the alteration to the ground floor room. A short (three step) set of stairs between ground and basement level are demolished and reinstated within the footprint

of the new ground floor flat. The staircase, though in a very poor state of repair, is one of the few remaining historic features within the building. The closing up of the stair in the entrance lobby would partially obscure the staircase within the lobby. The creation of a new corridor within the footprint of the existing front room would affect its historic proportions.

Opportunities for heritage benefits

The proposed works do involve a certain degree of harm to the special interest of the building. While the return of the building to a good condition is a public benefit it may not be considered sufficient to outweigh the harms identified above. Therefore, some additional benefits are required to make the scheme acceptable as detailed below:

Front lightwell staircase

The loss of the traditional cast iron external basement stair point offers an opportunity to reinstate this characteristic feature. Other historic examples on the street should offer a pattern for a new stair. The proposed plans show the reinstatement of a stair; an approval of details condition will be required to ensure that detailed design of the new stair is of an appropriate detailed design.

Windows

The building has lost its historic windows – the current windows are 1-over-1 sashes, apparently Victorian at the oldest. The proposed replacement windows of a Georgian pattern would offer the opportunity to improve both the appearance and thermal performance of the windows. The window schedule looks broadly acceptable, but it will still be necessary to secure detailed drawings of the new windows to ensure that individual slimline double-glazed units are puttied into integral timber glazing bars.

The proposals retain and refurbish the existing window frames and sash boxes; only the later sashes are replaced. Where they survive timber window shutters and aprons should be protected.

Fireplaces

All historic fireplaces have been lost from the interior. The reinstatement of historically accurate fireplaces and fireplace surrounds could be a heritage benefit. Off-the-shelf fireplaces are unlikely to be sufficient to deliver a genuine benefit. The fireplace surrounds and grates should be scholarly replicas of those found locally in buildings of comparable ages and details have been conditioned.

Decorative detail

There is little remaining historic decorative detail in the building, except in the common parts. The application proposed to introduce cornices, skirtings and architraves to each of the rooms.

Roof terrace

The creation of a roof terrace would not always be acceptable on a listed building. In this instance however there is no loss of historic fabric, due to the total loss of the existing roof to water damage. Nor is there the loss of a traditional roof form, as the previously existing roof was flat. A new staircase is required to access the roof – details will be secured by condition. The terrace is set back from the parapet by 1.5m which, given the height of the building, will minimise the visibility of the balustrade in views from

the street. As the building is on a corner plot however there are some very long views, and it would not be possible to conceal the balustrade entirely. The balustrade is a slim section black painted metal, which is considered to be the most appropriate for this type of building.

Historic England, while authorising the local authority to determine the application as they see fit, have raised concerns regarding the roof terrace; specifically, that as the balustrade would be visible in long views, the loss of a traditional roof to the building, which is not currently apparent from street level views, would be evident. The balustrade would indeed be visible in longer views. However, it is of a very slim section, and would not read as a bulky addition to the roof. It is set back from the parapet by 1.5m on each side, which would further reduce its prominence in these views. While Historic England's point that the terrace would be discernible from the street is correct, it is considered that this impact would be limited. Further, the balustrade is a slim section black painted metal, which is considered to be the most appropriate for this type of building. It is also the case that the loss of a traditional roof form, while regrettable, is likely to have occurred before the building was listed, and powers to seek a pitched roof here would be very limited. The existing flat roof represents an opportunity to achieve some amenity space for the family sized unit, which in itself is welcomed.

Design Conclusion

When considering the design and heritage implications of the proposal as a whole, it is not considered that the proposals would cause substantial harm, nor even less than substantial harm, to the heritage asset and therefore, a recommendation to grant conditional permission and listed building consent would be compliant with the relevant policies of the City Plan 2019-2040 and the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposed works are considered to preserve the character or appearance of the Portman Estate Conservation Area, the special interest of the listed building and the setting of neighbouring listed buildings, and are therefore considered to be acceptable in design terms. The concerns of Historic England about the roof terrace are noted but are not considered to be sustainable in this case.

9.5 Residential Amenity

Policy 7 of the City Plan 2019-2040 seeks to protect and, where appropriate, enhance amenity by preventing unacceptable impacts including impacts in terms of privacy and overlooking.

The proposal includes the provision of a roof terrace surrounding by railings set back approximately 1.5 from the Seymour Place and the Upper Berkley Street parapet. Whilst there is residential premises within the upper floor of both 26 Seymour Place and 26 Upper Berkley Street, there would be no visibility to residential windows from the proposed terrace. There are however, five residential units with 52 Upper Berkley Street located on opposite side of Upper Berkley Street which would be visible from the proposed terrace. Given the set back of the proposed balustrade along the southern elevation, and the height of the terrace in relation to the adjacent properties and the separating distance, it is not considered that the terraces would not result in any material overlooking or loss of privacy to neighbouring residents.

9.6 Transportation, Accessibility & Servicing

The site is centrally located and well served by public transport including principal bus routes and benefits from the highest public transport accessibility (PTAL) rating (6b).

Car Parking

No car parking is proposed, and Policy 27 supports residential development without car parking provision.

Cycle Parking

The London Plan requires 1.5 spaces per 1-bedroom unit and 2 spaces for 2+ bedroom units. The proposal includes 6 cycle parking spaces located within the pavement vaults. A condition is recommended to ensure these spaces are retained.

Waste Storage

Whilst waste storage has been indicated, the drawing and the waste detail submitted are not in line with the council waste storage requirements. As such, a condition is recommended to secure revised details of waste storage.

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 residential accommodation proposed will support the local economy through increased local spending, thereby supporting local employment and services.

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 are recommended.

10. Conclusion

Subject to appropriate conditions the proposal accords with development plan policies, specifically policies 7, 8, 10, 12, 25, 27, 33, 34, 36, 37, 38, 39, 40 and 43 of the City Plan 2019 - 2040 (April 2021) and policies GG2, SD4, D6, H1, H10, T5 and T6 of the London Plan.

In terms of heritage impact, 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 would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The application is therefore recommended for conditional approval.

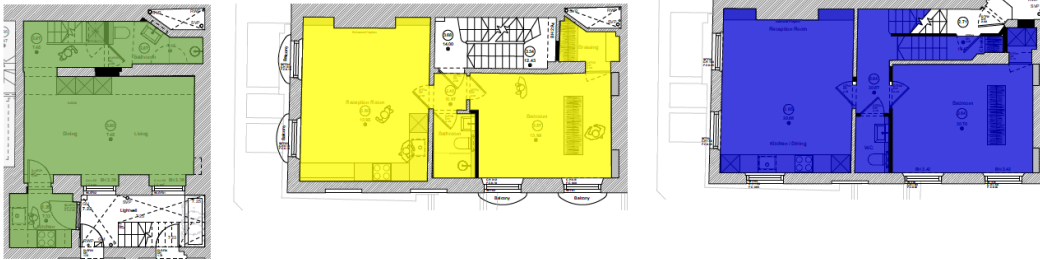
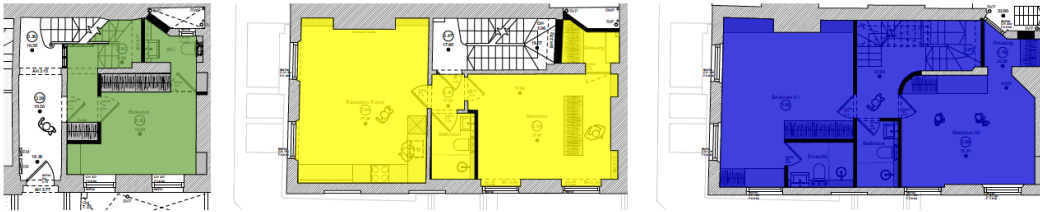
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT, PLEASE CONTACT THE PRESENTING OFFICER: PAUL QUAYLE BY EMAIL AT PQUAYLE@WESTMINSTER.GOV.UK.

11. KEY DRAWINGS



Proposed Floor Plans



■ Flat 01 - Lower Ground/ Ground Floor Duplex one Bedroom Apartment
 Area: 51.5 sq.m

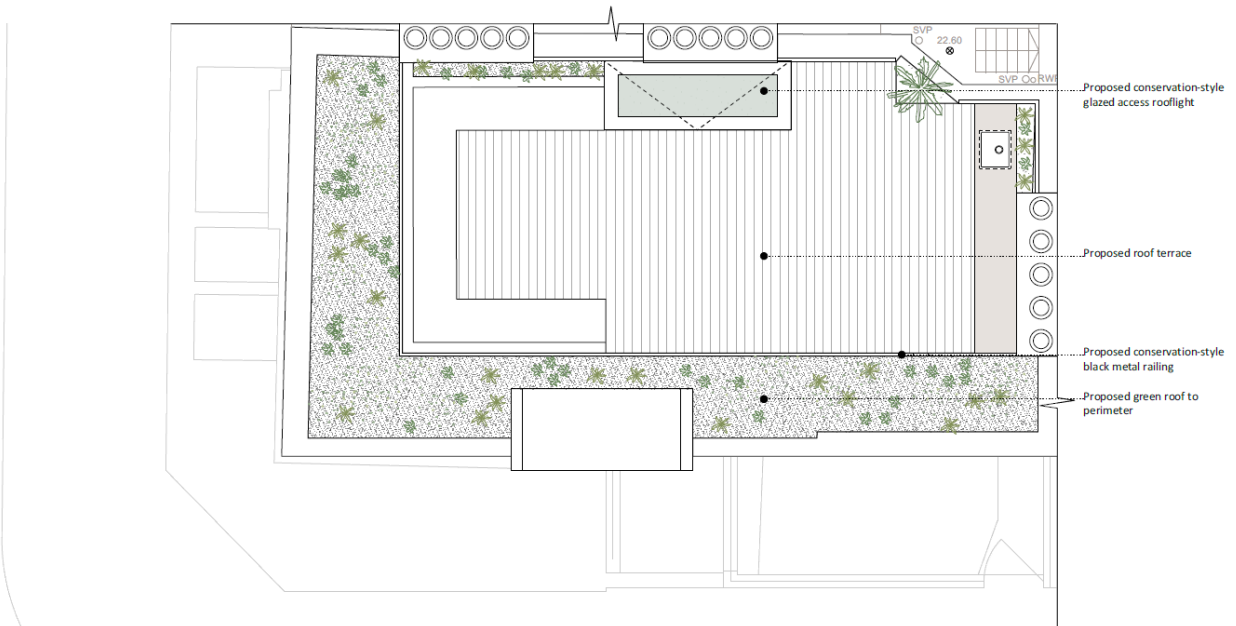
■ Flat 02 & 03 - First Floor and Second Floor
 One Bedroom Apartment
 First Floor Flat 02 Area: 45.4 sq.m
 Second Floor Flat 03 Area: 45.8 sq.m

■ Flat 04 - Third Floor and Fourth Floor
 Three Bedroom Duplex Apartment
 Flat 04 Area: 105 sq.m

ISSUE	DATE	REVISION	SCALE
		1	1:50
		2	1:10
		3	1:20
		4	1:40
		5	1:80
		6	1:160

PROJECT NUMBER	2210	DWG NO.	2210 L(--)
DATE	28/10/2022	SCALE	300*
SCALE @ 80 AS	1:5		
STATUS	PLANNING		
PROJECT	27 Upper Berkeley Street		

Proposed Roof Plan



DRAFT DECISION LETTER - PLANNING

Address: 27 Upper Berkeley Street, London, W1H 7QN

Proposal: Use of part basement, part ground and first to fourth floor as four residential flats (Class C3). External alterations including the creation of a roof terrace enclosed with railings with a perimeter living roof, installation of replacement windows and installation of stair to front lightwell.

Reference: 22/07524/FULL

Plan Nos: 2210 L(--) 051, 2210 L(--) 052, 2210 L(--) 053, 2210 L(--) 054, 2210 L(--) 055, 2210 L(--) 056, 2210 L(--) 057, 2210 L(--) 058, 2210 L(--) 058, 2210 L(--) 059, 2210 L(--) 060, 2210 L(--) 061, 2210 L(--) 062, 2210 L(--) 100, 2210 L(--) 101, 2210 L(--) 102, 2210 L(--) 103, 2210 L(--) 104, 2210 L(--) 105, 2210 L(--) 106, 2210 L(--) 107, 2210 L(--) 108, 2210 L(--) 109, 2210 L(--) 110, 2210 L(--) 111, 2210 L(--) 112, 2210 L(--) 113, 2210 L(--) 114, 2210 L(--) 115, 2210 L(--) 115, 2210 L(--) 300, 2210 L(--) 400, 2210 L(--) 401, 2210 L(--) 501.

Case Officer: Damian Lavelle

Direct Tel. No. 07779431364

Recommended Condition(s) and Reason(s) or 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 The design and structure of the building shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night. Inside bedrooms 45 dB L Amax is not to be exceeded more than 15 times per night-time from sources other than emergency sirens. (C49BB)

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development, as set out Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R49BB)

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

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise as set Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R49AB)

- 5 You must apply to us for approval of details of secure cycle storage for the residential use. You must not start any work on this part of the development until we have approved in writing what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation and make it available at all times to everyone using the approved residential units. You must not use the cycle storage for any other purpose. (C22HA)

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)

- 6 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 start work on the relevant part of the development until we have approved in writing what you have sent us. You must then provide the waste and recycling storage prior to occupation of the development and thereafter permanently retain the stores according to these details. You must clearly mark the stores and make them available at all times to everyone using the residential accommodation. (C14ED)

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)

- 7 You must provide, maintain and retain the following bio-diversity features before you start to use any part of the development, as set out in your application.

living roof

You must not remove any of these features. (C43FA)

Reason:

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

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

You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details 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)

- 9 The three bedroom residential units shown on the approved drawings must be provided and thereafter shall be permanently retained as accommodation which (in addition to the living space) provides three separate rooms capable of being occupied as bedrooms.

Reason:

To ensure there is a sufficient number of family sized units to contribute towards meeting Westminster's housing needs.

- 10 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 Portman Estate Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 11 All new outside rainwater and soil pipes must be made out of metal and painted black. (C27HA)

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 Portman Estate Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

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

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 Portman Estate Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

- 13 You must apply to us for approval of detailed drawings at 1:5 and 1:20 of the following parts of the development:

- a) roof access hatch
- b) all new windows
- c) all new external doors
- d) new lightwell stair

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

Reason:

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

- 14 The energy source for both hot-water and central-heating to the approved residential units must be electric.

Reason:

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

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 Building works must be carried out in accordance with condition 2 of this permission. Non-compliance with this condition will result in enforcement action.
- 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 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, for example by issuing regular bulletins about site progress.
- 5 There is an ongoing enforcement investigation relating to this property and, as a consequence, three formal listed building enforcement notices were served with effect from 04 November 2020 in relation to the following unauthorised works:
 - unauthorised removal of the roof,
 - internal alterations at fourth floor level, including the removal of ceilings and partition walls, and
 - the removal, and/or damage of existing balustrading, newel posts and spindles from the stairway on and between ground floor and fourth floor levels.

You are advised to comply with the terms of the enforcement notices/implement the proposed works which partially supersede those elements as soon as practicably possible as our Enforcement Team are likely to prosecute imminently.

DRAFT DECISION LETTER – LISTED BUILDING CONSENT

Address: 27 Upper Berkeley Street, London, W1H 7QN

Proposal: Internal alterations at all levels. External alterations including the creation of a roof terrace enclosed with railings with a perimeter living roof, installation of replacement windows and installation of stair to front lightwell.

Reference: 22/07525/LBC

Plan Nos: 2210 L(--) 051, 2210 L(--) 052, 2210 L(--) 053, 2210 L(--) 054, 2210 L(--) 055, 2210 L(--) 056, 2210 L(--) 057, 2210 L(--) 058, 2210 L(--) 058, 2210 L(--) 059, 2210 L(--) 060, 2210 L(--) 061, 2210 L(--) 062, 2210 L(--) 100, 2210 L(--) 101, 2210 L(--) 102, 2210 L(--) 103, 2210 L(--) 104, 2210 L(--) 105, 2210 L(--) 106, 2210 L(--) 107, 2210 L(--) 108, 2210 L(--) 109, 2210 L(--) 110, 2210 L(--) 111, 2210 L(--) 112, 2210 L(--) 113, 2210 L(--) 114, 2210 L(--) 115, 2210 L(--) 115, 2210 L(--) 300, 2210 L(--) 400, 2210 L(--) 401, 2210 L(--) 501.

Case Officer: Damian Lavelle

Direct Tel. No. 07779431364

Recommended Condition(s) and Reason(s) or 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 Portman Estate Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

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

Reason:
To protect the special architectural or historic interest of this listed building. This is as set out in 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)

- 4 You must apply to us for approval of detailed drawings at 1:5 and 1:20 of the following parts of the development:
 - a) roof access hatch

- b) all new windows
- c) all new doors
- d) new lightwell stair
- e) secondary glazing
- f) new fireplace surrounds and grates
- g) all new decorative detail including cornices, skirtings and dados
- h) details of the repair of the principal stair

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

Reason:

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

- 5 All new outside rainwater and soil pipes must be made out of metal and painted black. (C27HA)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in 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 There is an ongoing enforcement investigation relating to this property and, as a consequence, three formal listed building enforcement notices were served with effect from 04 November 2020 in relation to the following unauthorised works:
- o unauthorised removal of the roof,
 - o internal alterations at fourth floor level, including the removal of ceilings and partition

walls, and

- the removal, and/or damage of existing balustrading, newel posts and spindles from the stairway on and between ground floor and fourth floor levels.

You are advised to comply with the terms of the enforcement notices/implement the proposed works which partially supersede those elements as soon as practicably possible as our Enforcement Team are likely to prosecute imminently.

Item No.
6

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 21 February 2023	Classification For General Release	
Report of Director of Town Planning & Building Control		Ward(s) involved Bayswater	
Subject of Report	The Colonnades, 34 Porchester Square, London, W2 6AP		
Proposal	Details of plan indicating a clear and unobstructed route for pedestrians of The Colonnades to access the residential waste and recyclable storage within the service yard of The Colonnades pursuant to condition 32 of planning permission dated 06 October 2022 (RN: 21/04074/FULL)		
Agent	Hanna Corney		
On behalf of	Hanna Corney		
Registered Number	22/07920/ADFULL	Date amended/ completed	24 November 2022
Date Application Received	22 November 2022		
Historic Building Grade	Unlisted		
Conservation Area	Bayswater		
Neighbourhood Plan	Not applicable		

1. RECOMMENDATION

Approve details

2. SUMMARY & KEY CONSIDERATIONS

<p>A new and revised operation and management plan of the servicing area at The Colonnades was resolved to be granted at Planning Sub-Committee on 21 June 2022 and formally approved on 6 October 2022 (following the completion of a deed of variation). This plan was approved as part of application 21/04074/FULL for:</p> <p>“Variation of condition 12 of planning permission granted on appeal dated 23 June 2017 (RN: 16/09313/FULL and appeal reference APP/X5990/W/17/3168220) which in itself varied conditions 16 and 17 of planning permission dated 9 October 2014 (RN: 13/12442/FULL) for reconfiguration of the ground and first floors to provide a supermarket (Class A1) at part ground floor and first floor levels with three retail shop units (Class A1) and two restaurant/ cafe units (Class A3) at ground floor level, extension to Porchester Road and Bishop’s Bridge Road elevations to infill existing colonnade and</p>

create entrance lobby to supermarket, infilling of basement vents to Bishop's Bridge Road, alterations to street facades, amendments to rear service yard, installation of mechanical plant and associated public realm works. *NAMELY, amendments to wording of condition 12 to allow the review of the operation and management of the servicing area at the Colonnades and to reflect current delivery and servicing arrangements*".

A copy of the committee report and minutes are included in the background papers. In addition to this new operation and management plan, two new conditions were added to the decision notice relating to the installation of acoustic matting (Condition 31) and the submission of a plan showing a pedestrian route to the refuse storage (Condition 32).

This current approval of details application seeks to discharge Condition 32.

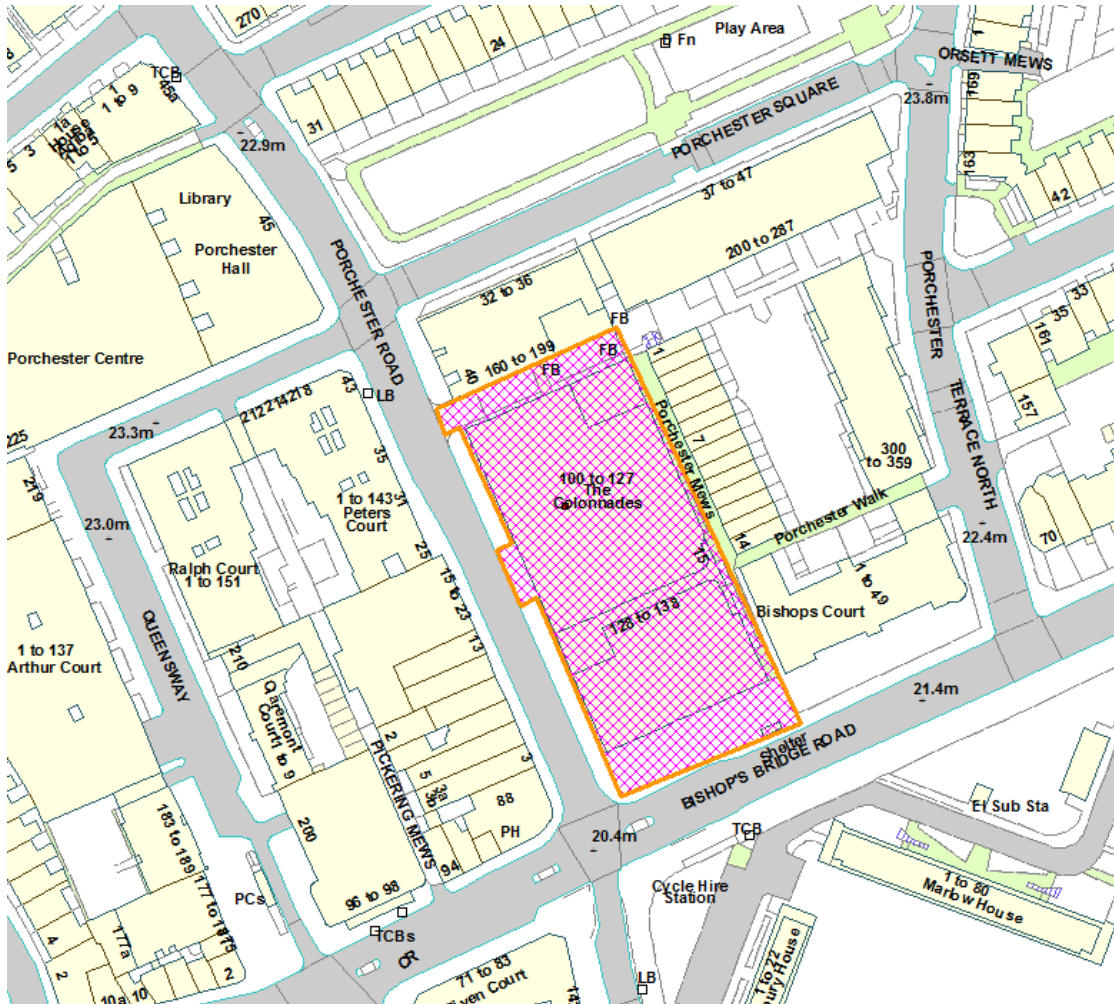
Condition 32 states:

"Within 8 weeks of this permission, you must apply to us for approval of a plan indicating a clear and unobstructed route for pedestrians of The Colonnades to access the residential waste and recyclable storage within the service yard of The Colonnades. You must not mark out this route until we have approved in writing what you have sent us. You must then carry out the marking of this route within 4 weeks of any approval granted."

The proposed plan was submitted within the time frame as set out in the condition and ward councillors and 298 residents of The Colonnades were consulted. The residents in The Colonnades wrote to the case officer to advise that consultation letters were not received. The case officer wrote to the key objector and issued a further letter of consultation by email (this email is also contained within the background papers). Councillor Sullivan has requested that this approval of details application be reported to Sub-Committee. The South East Residents Association and five residents object to this proposed route as set in Section 5.1 of this report.

The submitted plan is considered acceptable and shows that a clear and unobstructed route to the existing refuse store and meets the requirements of Condition 32. Therefore, it is recommended that this approval of details application be approved.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Street View of The Colonnades



Service Yard, Porchester Road in the distance



Undercroft area and photos of refuse facilities



5. CONSULTATIONS

5.1 Application Consultations

COUNCILLOR SULLIVAN

Requests that the application be presented to the planning committee.

Councillor Sullivan also comments that the route will not be sufficiently unobstructed through the use of only yellow paint; and that an assessment of actual vehicle movements should be made taking into consideration this designated area. Physical segregation would achieve an unobstructed and safe route. Comment is further made that there are no details as to how 'accessible' the route is in terms of its width; level access; whether this is sufficiently lit and whether this is suitable for those with visual impairments.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION(SEBRA)

Originally forwarded an objector's email. This was followed up by a further objection on the grounds that there should be a safer enclosed route for the residents of the Colonnades to access the refuse and recycling big bins in covered area to rear of service yard for the Colonnades commercial units. SEBRA are not convinced that the open yellow crossed hatched walkway will give the necessary protection to the residents going to and from the bins.

BAYSWATER RESIDENTS ASSOCIATION

No response received.

PLANNING ENFORCEMENT TEAM

Content to see plan submitted within prescribed time. No comment to make on the merits of the proposals.

HIGHWAYS PLANNING MANAGER:

Any response to reported verbally.

WASTE PROJECT OFFICER

Any response to reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 298

Total No. of replies: 5

No. of objections: 5

No. in support: 0

Five objections received on the following grounds:

- The plan goes against the Planning Inspectorates decision of December 2021
- The plan only shows a route inside the service yard and no detail on access routes for residents to that; and is therefore the plan is incomplete
- The new route will have to be accessed by residents using public footways and require access to multiple locked gates – this means that residents may as well

use the on street public waste and recycling facilities, which is contrary to the previous Planning Inspectors advice

- The dimensions of the gate are not given
- The marking of paint on the floor is not sufficient and does not protect residents safely
- Does the route allow able bodied and wheelchair users to access their bins
- Residents should not have to wear high visibility outerwear when using the route
- The route as shown would impact the turning circle and swept path analysis as submitted in the original planning application
- Why has this application been submitted in this manner and not as part of the application 21/040741/FULL?

Other:

- No neighbour notification letters were received by residents in The Colonnades
- An objection has been made to the committee proceedings of 28 June 2022
- Noise from the scissor lift
- Noise from the service yard

PRESS NOTICE/ SITE NOTICE:

Not required.

5.2 Applicant's Pre-Application Community Engagement

The Ward Councillor and objectors have confirmed that the applicant met with them on multiple occasions to discuss the proposed plans. It should be noted that both the ward councillor and one objector does state that the concerns raised have not been addressed within the submission.

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 site is a large complex of six buildings, occupying a prominent corner between Bishop's Bridge Road and Porchester Road. It is situated within the Bayswater Conservation Area and forms part of the Porchester Road Local Centre. There are no listed buildings within the Site.

The residential element comprises flats / maisonettes across three blocks, as well as a mews block of 14 no. two-storey terraced houses. The three blocks are numbered 100, 200 and 300. The commercial element includes: Waitrose Bayswater supermarket; Graham and Green retail unit; 1Rebel gym; Happy Lamb restaurant; and Specsavers.

A service yard, accessed via Porchester Road, serves all of the commercial elements for both deliveries and collections (including waste), and is also the storage and collection location for residential bins for the three blocks.

7.2 Recent Relevant History

21/04074/FULL

Variation of condition 12 of planning permission granted on appeal dated 23 June 2017 (RN: 16/09313/FULL and appeal reference APP/X5990/W/17/3168220) which in itself varied conditions 16 and 17 of planning permission dated 9 October 2014 (RN: 13/12442/FULL) for reconfiguration of the ground and first floors to provide a supermarket (Class A1) at part ground floor and first floor levels with three retail shop units (Class A1) and two restaurant/ cafe units (Class A3) at ground floor level, extension to Porchester Road and Bishop's Bridge Road elevations to infill existing colonnade and create entrance lobby to supermarket, infilling of basement vents to Bishop's Bridge Road, alterations to street facades, amendments to rear service yard, installation of mechanical plant and associated public realm works. **NAMELY, amendments to wording of condition 12 to allow the review of the operation and management of the servicing area at the Colonnades and to reflect current delivery and servicing arrangements. Addition of Conditions 31 and 32 relating to the acoustic matting and pedestrian clear route plan.**

Application Permitted 6 October 2022

13/12442/FULL

Permission was granted in October 2014 for the reconfiguration of the ground and first floors to provide a supermarket (Class A1) at part ground floor and first floor levels with three retail shop units (Class A1) and two restaurant/ cafe units (Class A3) at ground floor level, extension to Porchester Road and Bishop's Bridge Road elevations to infill existing colonnade and create entrance lobby to supermarket, infilling of basement vents

to Bishop's Bridge Road, alterations to street facades, amendments to rear service yard, installation of mechanical plant and associated public realm works.

It is important to note here that prior to this permission being granted there were no restrictions on any of the commercial units within the Colonnades or servicing to these units and officers took the opportunity to condition hours of operation of the retail units and the servicing arrangements.

For information the hours of opening of the retail/ restaurant uses were approved to: Retail units (Units 1, 2, 4 and 6): no customers before 07.00 or after 23.00 Monday to Saturday (not including bank holidays and public holidays) and before 10.00 or after 18.00 on Sundays, bank holidays and public holidays.

Restaurant/café units (Units 3 &5): no customers before 08.00 or after 23.30 Monday to Saturday (not including bank holidays and public holidays) and before 09.00 or after 22.30 on Sundays, bank holidays and public holidays.

14/12071/ADFULL

The servicing management plan was approved on 11 February 2015, under application 14/12071/ADFULL (this is contained in the background papers).

All subsequent permissions (to more minor proposals relating to tables and chairs, amalgamation of units etc) have imposed the following condition 12:

"You must permanently operate the development and manage the service yard in accordance with the Servicing Management Plan that we approved on 11 February 2015 (14/12071/ADFULL), unless or until we approve an alternative Servicing Management Plan in writing".

15/02293/ADFULL

Details of waste and recycling storage for Unit 1 (Waitrose) pursuant to Condition 23 of planning permission dated 9 October 2014 (RN: 13/12442) were approved 13 July 2015

The condition required details of supermarket waste and recycling storage, which needs to be accommodated within the envelope of the building as the service yard and adjacent spaces have already been fully utilised to provide residential waste storage and a plant enclosure/ sub-station.

Appeal APP/X5990/W/17/3168220

Planning permission was granted on appeal dated 23 June 2017 (RN: 16/09313/FULL and appeal reference APP/X5990/W/17/3168220) for:

Variation of Conditions 16 and 17 of planning permission dated 9 October 2014 (RN: 13/12442/FULL) for reconfiguration of the ground and first floors to provide a supermarket (Class A1) at part ground floor and first floor levels with three retail shop units (Class A1) and two restaurant/ cafe units (Class A3) at ground floor level, extension to Porchester Road and Bishop's Bridge Road elevations to infill existing colonnade and create entrance lobby to supermarket, infilling of basement vents to Bishop's Bridge Road, alterations to street facades, amendments to rear service yard, installation of mechanical plant and associated public realm works. **NAMELY, to allow amalgamation of Units 4 and 5 facing Bishop's Bridge Road to form one retail unit for use as a mixed retail shop and restaurant use (Sui Generis) (Site also known**

as Unit 4, Bishop's Quarter, Bishop's Bridge Road).

Appeal APP/X5990/W/21/3277361

Planning permission was refused on appeal dated 21 December 2021 (RN: 20/05767/FULL) and appeal reference Appeal APP/X5990/W/21/3277361 for:

Removal of Condition 25 of planning permission granted on appeal dated 23 June 2017 (RN: 16/09313/FULL and appeal reference APP/X5990/W/17/3168220) which in itself was a variation of conditions 16 and 17 of planning permission dated 9 October 2014 (RN: 13/12442/FULL) for reconfiguration of the ground and first floors to provide a supermarket (Class A1) at part ground floor and first floor levels with three retail shop units (Class A1) and two restaurant/ cafe units (Class A3) at ground floor level, extension to Porchester Road and Bishop's Bridge Road elevations to infill existing colonnade and create entrance lobby to supermarket, infilling of basement vents to Bishop's Bridge Road, alterations to street facades, amendments to rear service yard, installation of mechanical plant and associated public realm works. **NAMELY to remove the requirement to allow residents access to the service yard.**

This decision continues to allow residents to use the waste storage provision which is sited to the rear of the service yard, under the undercroft of the residential units above, opposite the Waitrose and other commercial units service doors.

The Planning Inspectors decision notice is contained within the background papers of accompanied with this report.

Enforcement History

As detailed in the committee report of 28 June 2022, the Planning Enforcement Team has investigated various breaches of condition associated with the Colonnades and planning permission 16/09313/FULL since May 2020 including the breach of condition 12 and the Service Management Plan (SMP) approved under reference: 14/12071/ADFULL.

The City Council (Planning Enforcement or Public Protection and Licensing Team) has not received any complaints or evidence of a breach reported since the new SMP was approved.

8. THE PROPOSAL

Condition 32 of permission 21/04074/FULL states:

"Within 8 weeks of this permission, you must apply to us for approval of a plan indicating a clear and unobstructed route for pedestrians of The Colonnades to access the residential waste and recyclable storage within the service yard of The Colonnades. You must not mark out this route until we have approved in writing what you have sent us. You must then carry out the marking of this route within 4 weeks of any approval granted."

The applicant therefore had to submit a plan to comply with this condition. In response to the objectors query as to the purpose of a new application to provide this, an application of this nature is referred to as an approval of details and has to be made independently

of the earlier approval.

The plan submitted shows that a new resident gate, 1.2m wide* is to be incorporated into the existing full height black gates which leads from the service yard to the communal walkway of The Colonnades, known as Porchester Mews. The plan is annotated to say that the gate will have a pin code. The gate leads to a new yellow painted route from Porchester Mews to the existing refuse area, running parallel with the existing walls of the substation.

*The gate measures 1.2m when scaled from the drawing. One objection was received on the ground of lack of dimensions on the plan. A drawing does not have to have the written dimensions on it so long as the drawings are to scale.

9. DETAILED CONSIDERATIONS

9.1 Land Use

Not relevant.

9.2 Environment & Sustainability

Not relevant.

9.3 Biodiversity & Greening

Not relevant.

9.4 Townscape, Design & Heritage Impact

Not relevant.

9.5 Residential Amenity

Not relevant.

9.6 Servicing and Waste & Recycling Storage

As listed above a number of objections have been received to the plan submitted.

One objection is on the grounds that the plan proposes a route solely within the service yard and does not show where this comes from with The Colonnades itself, and therefore the plan does not comply with the condition.

Given the history of the site, the numerous planning applications submitted and that it is assumed that residents who live in the Colonnades are acquainted with the service yard, officers consider that the plan is clear in where it is proposing a route from. It is annotated to show Porchester Mews and the key makes it explicitly clear that a new gate is proposed from within the gated and communal walkway. Officers consider it appropriate to accept this plan as a valid submission in order to discharge this planning condition.

The objectors state that the proposed plan goes against an appeal decision by the Planning Inspectorates decision of December 2021 (application 20/205767/FULL and Appeal APP/X5990/W/21/3277361). This appeal was against the City Council's refusal to remove Condition 25 of an earlier permission which in effect would not allow any residents access to the communal refuse and recycling stores in the undercroft of the servicing yard. This appeal was dismissed and residents can still use the waste storage provision sited to the rear of the service yard, under the undercroft. The appeal decision notice is included in the background papers.

It is assumed that the objector considers this proposed route contrary, as the Inspector references using a lift from within 100 block of The Colonnades directly above the refuse and recycling undercroft area. Officers have been informed that this is a porters/ goods lift, rather than the residential lift to floors. There are a number of routes from The Colonnades to the service yard; however, the Planning Inspector did not explicitly state how residents should access this waste store and therefore the proposed route is to be assessed on its own merits. As a point to note here, the residential element of The Colonnades is owned/ managed by a different company to that of the commercial premises, which does impact on who has control over what areas in the development. Should the new residential management company allow access to this lift, then residents could use this route. The route proposed under this application comes from the communal gated walkway, Porchester Mews and this would serve every resident in The Colonnades far more appropriately and is therefore in principle considered acceptable.

The objectors consider the new route to be unacceptable as this will have to be accessed by residents using public footways and require access to multiple locked gates meaning that residents may use the on street public waste and recycling facilities, which again is contrary to the previous Planning Inspector's advice.

The proposed route does mean that users of the refuse and recycling facilities will have to exit the building either from the entrance/ exit in the lower ground floor of Block 200 (for those residents in Blocks 100, 200 and 300) or the front door to the houses and the mews and navigate one or two locked gates, depending on where they reside in the building. These are not within public footways as suggested but are communal pathways, gated with The Colonnades, solely for the use by The Colonnades residents. Access via gates is not considered objectionable and these security measures are a common occurrence in gated developments and modern developments. It must here be remembered that refuse and recycling (save for boxes/packaging) is collected frequently from each residential unit, with residents bagging their refuse and recycling in their individual refuse store outside of their flat front door between 21.00 and 07.00 and then porters collect this daily between 07.00 and 09.00, except Christmas Day and New Year's Day. The frequency in which residents will be using the refuse and recycling facilities in the undercroft of the service yard is not assumed to be significant and this proposed route is considered acceptable.

Objections have been made on the grounds that the marking of paint on the floor is not sufficient and does not protect residents safely from vehicles in the service yard, some noting that the route would in fact be hindered by the turning circle and swept path analysis as submitted and approved in application 21/04074/FULL.

It is acknowledged that the route is marked only in paint. The applicant was asked why a barrier or intermittent bollards could be sited on outer edge of the route demarcation area. At the time of writing, no firm response had been given to this point, and it is assumed that any physical barrier on the outer edge of route demarcation could potentially reduce the servicing area and potentially impact on the swept paths of servicing vehicles. The applicant has advised that they will review their position on a barrier prior to committee and any update will therefore be provided by officers. However, at 1.2m wide for the most part the swept paths do not appear to be affected. For clarity, the applicant has been asked to overlay the proposed route over the swept path plans but at the time of writing these plans had not been received. As secured under the most recent servicing and management plan (approved under application 21/04074/FULL) a facilities manager is on site between 07.00 and 19.00 daily to ensure that all deliveries to, and refuse collection for, The Colonnade shopping arcade is undertaken within the service yard. They will also ensure the service yard is kept clear of obstructions at all times. The adherence to this part of the servicing management plan will ensure that a resident is not in harms way should a delivery be occurring when they want to access the refuse and recycling facilities. Again, it must be remembered the frequency as to use of the refuse and recycling in the service yard, given the existing refuse collection arrangement in place. Coupled with the fact that residents have the right now without any formal route to use the refuse and recycling areas in the service yard, the proposals are considered to strikes a fair balance in terms of provision of a route and safety.

A further objection raises the issue accessibility to all and asks does the route allow able bodied and wheelchair users to access their bins. If there are any wheelchair users wanting to use the refuse and recycling in the service yard, then if access can be gained to the communal areas of The Colonnades, where they live, access can be gained to the bins. As a point to note however, at this time there does not appear to be level access to the 100 or 200 block of The Colonnades from Porchester Square. The gate opening is 1.2m wide and this is sufficient for a wheel chair user, which requires 0.9m. In terms of those who are visually impaired, the proposed route results in no worse a situation than if the route to the refuse and recycling area was proposed through the lift in the building into the service yard as vehicles are still allowed to use the undercroft area for servicing and turning.

As a final point, one of the objectors notes that residents should not have to wear high visibility outerwear when using the route. Whilst the residents concerns about their safety are well understood, it is considered that this painted designated route offers is appropriate and provide a clear and unobstructed route which the Condition sought to provide.

9.7 Economy including Employment & Skills

Not relevant.

9.8 Other Considerations

Neighbour Notification

Objections have been received on the grounds that no neighbour notification letters were received by residents in The Colonnades. The case officer wrote to the objector (a copy

of which is in the background papers) advising that the letters had been issued and the City Council was sorry that these appear to not have been received. Despite officers having received an objection to the proposals from the objector prior to being advised that the residents had not received their neighbour notification letter, a further letter of consultation was emailed. It is considered that the level of consultation undertaken in association with this approval of details application is acceptable.

Committee 28 June 2022

An objection has been made to the committee proceedings of 28 June 2022. This is not relevant in the determination of this approval of details application, but it should be noted that the City Council did receive a complaint regarding the committee proceedings and the City Council's Director of Law responded.

Noise from the scissor lift

The issue of noise from the scissor lift was addressed and discussed at length in the published committee report and at the committee itself. Officers are not aware of any further complaints since June 2022 to the Planning Enforcement Team or Council's Public Protection & Licensing Noise Team.

Noise from the service yard

Again, the issue of noise from the service yard was addressed and discussed at length in the published committee report and at the committee itself. Officers in Planning Enforcement are not aware of any further complaints since June 2022 to the Planning Enforcement Team or Council's Public Protection & Licensing Noise Team.

9.9 Environmental Impact Assessment

Not relevant.

9.10 Planning Obligations & Pre-Commencement Conditions

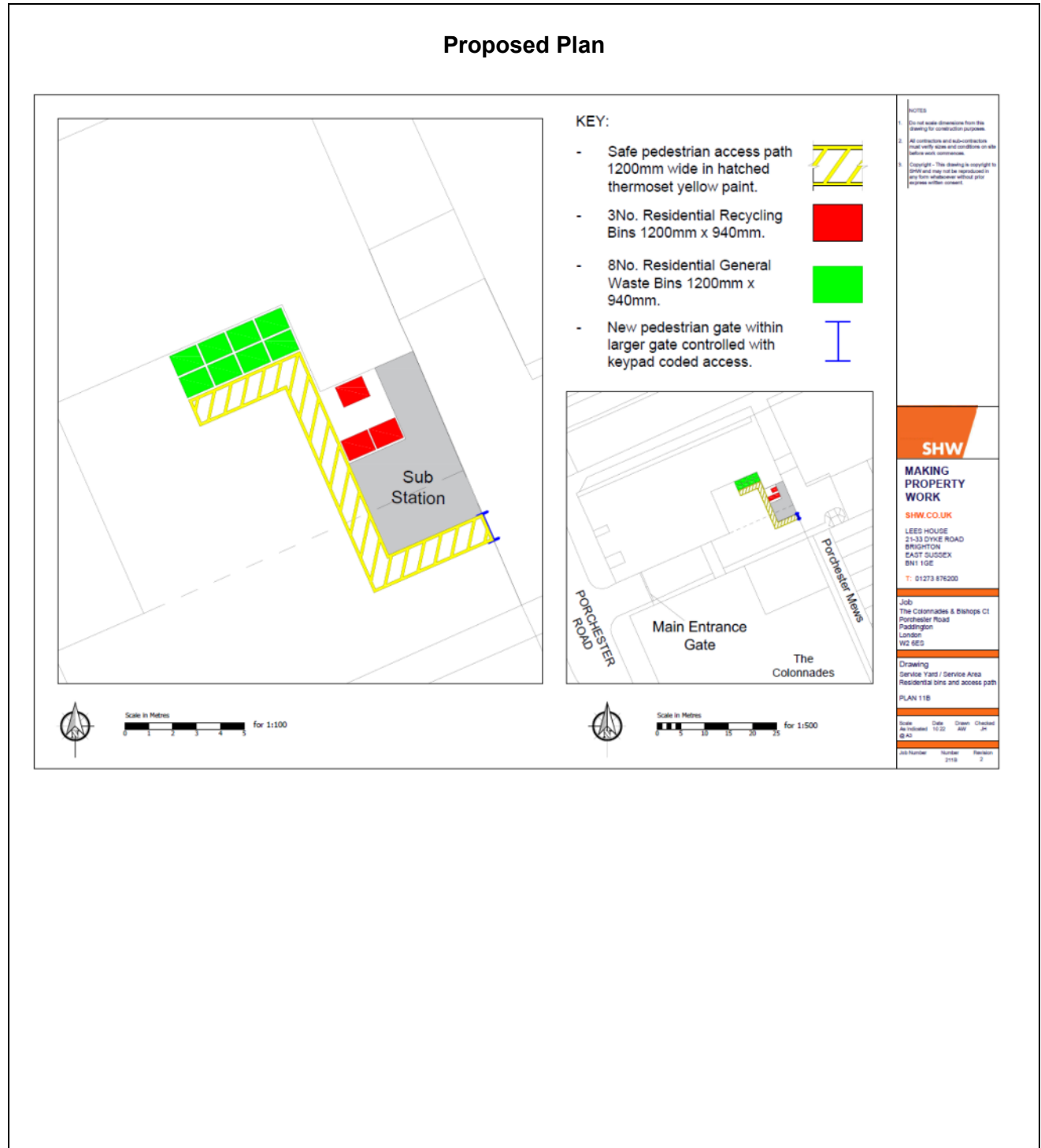
Not relevant.

10. Conclusion

The plan is considered acceptable and shows a clear and unobstructed route for pedestrians from The Colonnades to the refuse area and therefore it is recommended to discharge this condition.

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

11. KEY DRAWINGS

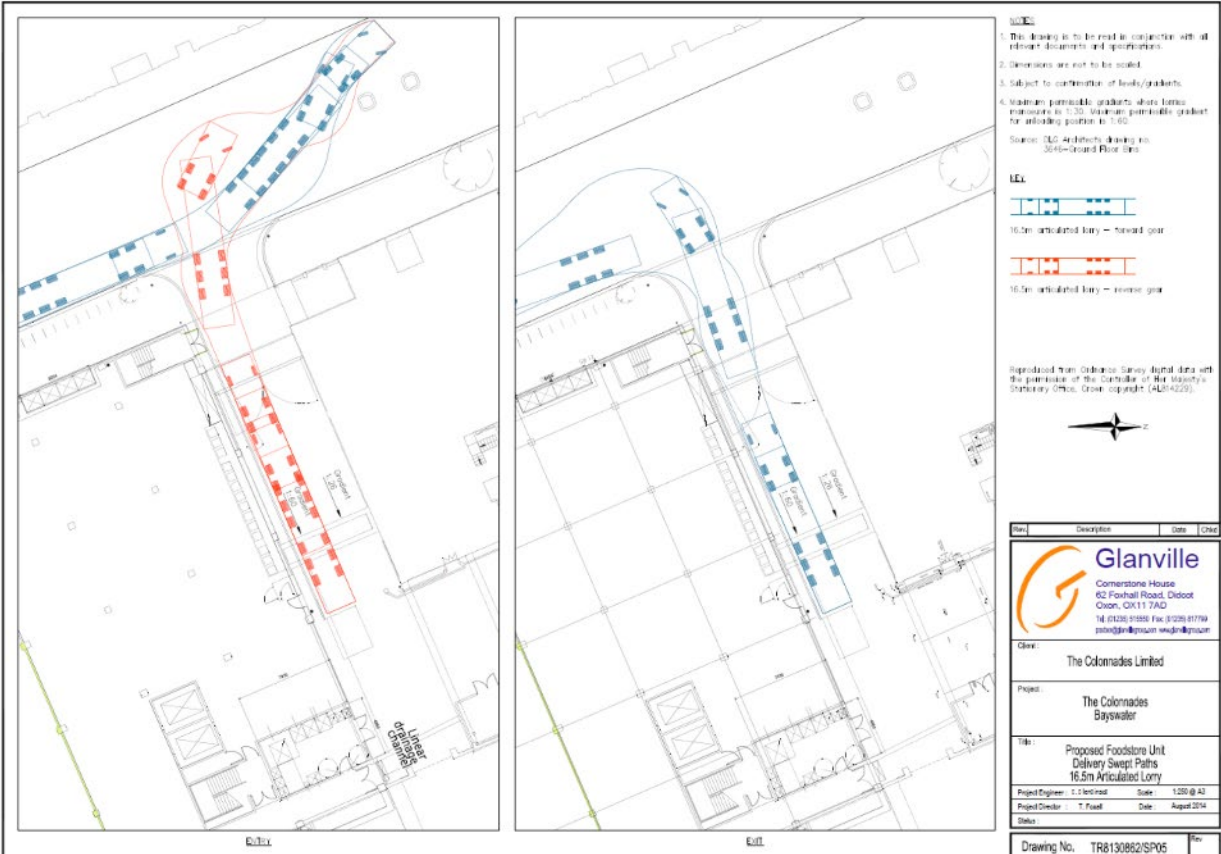


Route to Refuse Area

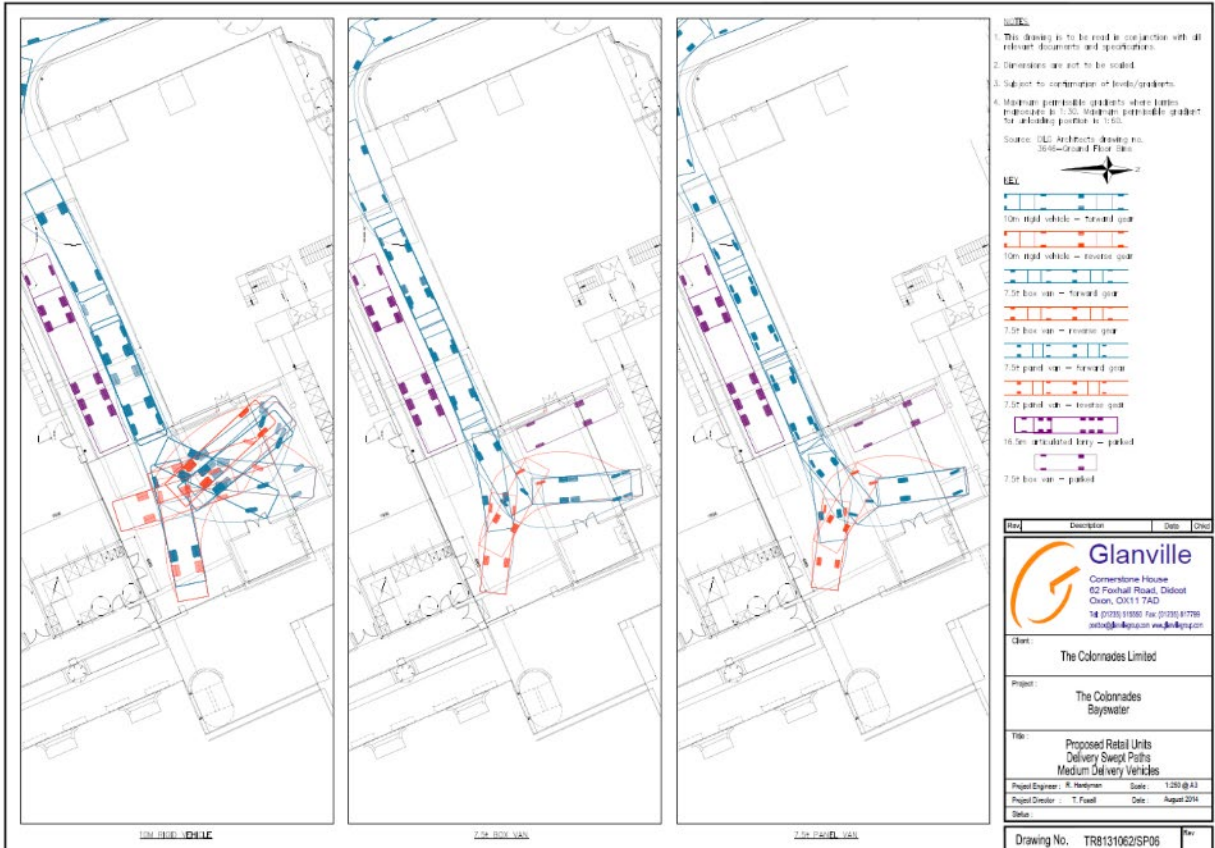


- Proposed location of new residential pedestrian gate into Service Yard
- Exit from internal access to Service Yard

For information - Swept Path Analysis (16.5m vehicles)



For information - Swept Path Analysis (Medium Vehicles)



DRAFT DECISION LETTER

Address: The Colonnades, 34 Porchester Square, London, W2 6AP

Proposal: Details of plan indicating a clear and unobstructed route for pedestrians of The Colonnades to access the residential waste and recyclable storage within the service yard of The Colonnades pursuant to condition 32 of planning permission dated 06 October 2022 (RN: 21/04074/FULL)

Reference: 22/07920/ADFULL

Plan Nos: Drawing Number 211B Rev 2

Case Officer: Kimberley Davies

Direct Tel. No. 07866036948

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

- 1 This permission fully meets condition 32 of the planning permission dated 6 October 2022 (RN: 21/04074/FULL). (I11AA)

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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