



City of Westminster

Planning Applications Sub-Committee (2)

Committee Agenda

Meeting Date:

Tuesday 11th July, 2023

Time:

Title:

6.30 pm

Venue:

Members:



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

Councillors:

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

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: <u>www.westminster.gov.uk</u> **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

PAF	RT 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	(Pages 5 - 12)
	To sign the minutes of the last meeting as a correct record of proceedings.	
4.	TREE PRESERVATION ORDER TPO 694 - 91 SUTHERLAND AVENUE, LONDON, W9 2HG	(Pages 13 - 20)
5.	PLANNING APPLICATIONS	
	Applications for decision	
	Schedule of Applications	
	Members of the public are welcome to speak on the specific applications at the virtual planning committee meeting.	
	To register to speak and for guidance please visit:	
	https://www.westminster.gov.uk/planning-committee	
	Please note that you must register by 12 Noon on the Friday before the Committee meeting.	

In the event that you are successful in obtaining a speaking slot at the hybrid meeting please read the guidance, in order to familiarise yourself with the process prior to joining the remote meeting.					
live us	mmittee meetings open to the public are being broadcast sing Microsoft Teams. For information on participating in the Committee please see the following link:				
	//www.westminster.gov.uk/about- il/democracy/stream-council-meetings				
To ac Media	cess the recording after the meeting please revisit the link				
1.	GROUND FLOOR, SEYMOUR LEISURE CENTRE, SEYMOUR PLACE, LONDON, W1H 5TJ	(Pages 23 - 58)			
2.	DEVONPORT, 23 SOUTHWICK STREET, LONDON, W2 2PR	(Pages 59 - 102)			
3.	10 MONTAGU MEWS NORTH, LONDON, W1H 2JY	(Pages 103 - 138)			
4.	23 SUTHERLAND PLACE, LONDON, W2 5BZ	(Pages 139 - 174)			
5.	54-56 LUPUS STREET, LONDON, SW1V 3EE	(Pages 175 - 192)			

Stuart Love Chief Executive 30 June 2023

Order of Business

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

Order of Business
i) Planning Officer presentation of the case
ii) Applicant and any other supporter(s)
iii) Objectors
iv) Amenity Society (Recognised or Semi-Recognised)
v) Neighbourhood Forum
vi) Ward Councillor(s) and/or MP(s)
vii) Council Officers response to verbal representations
viii) Member discussion (including questions to officers for clarification)
ix) Member vote

These procedure rules govern the conduct of all cases reported to the Planning Applications Sub-Committees, including applications for planning permission; listed building consent; advertisement consent, consultations for development proposals by other public bodies; enforcement cases; certificates of lawfulness; prior approvals, tree preservation orders and other related cases.





Planning Applications Sub-Committee (2)

MINUTES OF PROCEEDINGS

Minutes of a meeting of the **Planning Applications Sub-Committee (2)** held on **Tuesday 16th May, 2023**, Rooms 18.01 & 18.03, 18th Floor, 64 Victoria Street, London, SW1E 6QP.

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

Also Present: Councillors Paul Dimoldenberg (Item 1) and Tim Mitchell (Item 4)

1 MEMBERSHIP

There were no changes to the membership.

2 DECLARATIONS OF INTEREST

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

Councillor Fisher declared an interest in respect to Item 1 and advised that he was a friend of Councillor Paul Dimoldenberg and both were members of the Majority Group.

Councillor Ryan Jude made the same declaration.

Councillor MD Shamsed Chowdhury declared an interest in respect to Item 1 and advised that Councillor Paul Dimoldenberg was a friend, his Ward colleague and both were members of the Majority Group.

Councillor Chowdhury also declared an interest in Item 3 and advised that he had submitted a letter regarding anti-social behaviour and had made no comments about the application.

Councillor Barbara Arzymanow declared an interest in respect to Item 2 and advised that following legal advice she would leave the meeting whilst the item was being considered.

3 MINUTES

RESOLVED: That the minutes of the meeting held on 7th March 2023 be signed by the Chair as a correct record of proceedings.

4 PLANNING APPLICATIONS

The Sub-Committee heard the applications in the following order: 1,4, 2, 3, 5 and 6.

1 1-15 PORTSEA MEWS, 8 PORCHESTER PLACE, LONDON, W2 2BN

1. Demolition behind the retained facade and alterations to the existing buildings, replacement floorspace and extension at roof and ground floor level (through the introduction of glazed infills); excavation of a new basement, to create Office (Class E) accommodation and improved residential accommodation (Class C3) within Portsea Mews; creation of new internal link at ground floor to 8 Porchester Place, new shopfront to 8 Porchester Place, repair of facades and other associated works.

2. Internal alterations to 8 Porchester Place including opening up works and new connection through to Portsea Mews at ground floor and opening works and damp proofing at basement floor; external alteration including installation of new shopfront; and other associated works.

Additional representations was received from a resident (11.05.23), resident (11.05.23) and a resident (11.05.23)

Late representations was received from Gerald Eve Ltd (15.05.23).

The Presenting Officer tabled the following clarifications/corrections to the report.

Item 1- PORTSEA MEWS

<u>Report Clarification/ Corrections</u> Under the Cycling section of the report, para 9.6, the following should be clarified:

The London Plan 2021 requires 21 long stay spaces and 4 short stay spaces for the office accommodation and 9 long stay spaces and 2 visitor spaces for the residential proposals.

The 6 short stay spaces are proposed within the mews itself adjacent the under croft entrance. Whilst these are on the highway, the Highways Planning Manager raises no objection to their sting.

The required office long stay spaces will be provided at basement level in a dedicated cycle store. There is level access from the street with dedicated stairs leading to a cycle store with changing facilities. The required 11 residential long stay spaces will be provided at ground floor in a separate cycle store to the offices. There is level access from the street.

The cycle parking complies with policy 25 of the City Plan and had the application been considered acceptable in other regards, the provision of these spaces would have been secured via condition.

Under 5.1 of the report, the report says Councillor Chowdhury requests to speak in support of the proposals should the application be recommended for refusal. This is incorrect and that statement should be cited underneath Councillor Dimoldenberg's comments.

Charlotte Moss, Church Commissioners for England, addressed the committee in support of the application.

Kay Buxton, Chairman, The Marble Arch BID, addressed the committee in support of the application.

Alan Zimbler, Chairman, Hyde Park Estate Association, addressed the committee in support of the application.

Councillor Paul Dimoldenberg, in his capacity as Ward Councillor, addressed the committee in support of the application.

RESOLVED UNANIMOUSLY

- 1. That conditional permission and listed building consent be granted.
- 2. That the draft decision letter be provided to the Chair for agreement and be subsequently dealt with under delegated powers.
- 3. That Conditions be imposed which includes restrictions on Class E, secure by design and requests for details of waste storage and maintenance for green roof.
- 4. That the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway to enable this development to take place be authorised.

Reasons

Not agreed - recommendations reversed.

The Sub-Committee considers the public benefits which include improved quality residential accommodation, economic benefits including the provision of new jobs, bringing the mews back into beneficial use, a reduction in anti-social behaviour in the

mews and the energy performance of the development, would outweigh the loss of residential floorspace and the harm caused to the conservation area and grade II listed 8 Porchester Place.

2 29 MARYLEBONE ROAD, LONDON, NW1 5JX

Refurbishment and extension of the building on Luxborough street extending to Bingham Place; remodelling and extension of roof to provide internal and external terrace floorspace extensions to house a lift to rear at lower ground to fifth floor; use of part of ground floor as a café all in association with the use of the building as Learning and non-residential institutions (Class F1).

Additional representations was received from Marylebone Ward Councillors (04.05.23).

Late representations were received from the University of Westminster (16.05.23).

The Presenting Officer tabled the following clarifications/corrections to the report.

Item 2 – 29 Marylebone Road

Report Clarifications/ Corrections

Under Section 5 of the report, The Marylebone Association should be referred to rather than The Marylebone Society.

In the Economy section of the report, the 'existing industrial use' is referred to and this should read -existing office use'.

Linsey Cole, University of Westminster, addressed the committee in support of the application.

Penny Alexander, Baker Street Quarter Partnership, addressed the committee in support of the application.

RESOLVED UNANIMOUSLY

1. That conditional permission be granted

2. That the City Council authorises the making of a draft order pursuant to s247 of the Town and Country Planning Act 1990 for the stopping up of parts of the public highway to enable this development to take place

3. That Condition 9 be varied to restrict the use of the terrace on weekends before 10am and <u>after 6pm</u>.

3 71 CARLTON HILL, LONDON, NW8 0EN

Installation of air conditioning units and enclosure in the rear garden.

Additional representations was received from Councillor Geoff Barraclough (05.05.23)

Late representations was received from Fiduciam Nominees Ltd (16.05.23), Tree Section (16.05.23) and resident (16.05.23)

Glen Tomlin, Marek Wojciechowski Architects, addressed the committee in support of the application.

RESOLVED UNANIMOUSLY

That conditional permission be granted.

4 34 OLD QUEEN STREET, LONDON, SW1H 9HP

Excavation of a basement with swimming pool, replacement French doors at rear lower ground floor level, provision of walk on rooflight above existing rear lower ground floor extension, erection of new mansard extension with roof hatch and rear terrace, installation of air conditioning unit at sixth floor level and associated external alterations.

Paul Watson, Phillips Planning Services, addressed the committee in support of the application.

Graeme Robin Cottam, representing The Queen Anne's Gate Residents' Association, addressed the committee in objection of the application.

Kevin Murphy, addressed the committee in objection of the application.

Councillor Tim Mitchell, in his capacity as Ward Councillor, addressed the committee in objection of the application.

RESOLVED (Agreed: Councillors Paul Fisher, Ryan Jude and MD Shamsed Chowdhury; <u>Refused:</u> Councillor Barbara Arzymanov)

- 1. That conditional permission be granted.
- 2. That conditional listed building consent be granted.

3. That the reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter be agreed.

5 FIRST AND SECOND FLOOR MAISONETTE, 22 UPPER TACHBROOK STREET, LONDON, SW1V 1SH

Erection of full width extension at rear first floor level, with terrace above including installation of new access door and railings. Removal of chimney stack to rear.

RESOLVED UNANIMOUSLY

That conditional permission be granted.

6 THE NOMAD HOTEL, 28 BOW STREET, LONDON, WC2E 7AW

Variation of condition 14 of planning permission dated 20 March 2019 (RN:18/05723/FULL) (which varied permissions dated 4 February 2014 RN:12/12735/FULL, 30 December 2014 RN:14/06785FULL and 28 March 2018 RN:17/08881/FULL) for 'Refurbishment, extension and conversion of Bow Street Magistrates Court and Police Station including part three part six storey extension with plant enclosure over in rear courtyard, two-storey extension above Martlett Court Wing, mansard roof extension to Broad Court and part of Bow Street ranges, excavation to create new second basement level and internal alterations to provide a 91 bedroom hotel with restaurants, bar and associated facilities (class C1) and police museum (Class D1), to allow design changes to the proposed new build additions: the upper floors of the Marlett Court facade, rear Crown Court facade and facades surrounding the internal glazed atrium; creation of new basement area and reconfiguration at roof level to accommodate plant; relocation of photovoltaics; reconfiguration of museum layout; and removal of the requirement for a themed element to the hotel'.

Namely, to amend condition 14 to allow the Atrium Restaurant at basement level 1 to be used by nonresidents of the hotel until 2am on Fridays and Saturdays (one additional hour)

Additional representations was received by a resident (05.05.23). No late representations were received.

Christopher Perone, The Nomad Hotel, addressed the committee in support of the application.

RESOLVED UNANIMOUSLY

That conditional permission subject to a Deed of variation to the S.106 legal agreement dated 4 February 2014 (RN: 12/12735) which was subsequently varied on 30 December 2014 (14/06785/FULL), 28 March 2018 (RN: 17/08881/FULL) and 20 March 2019 be granted.

The Meeting ended at 9.31pm

CHAIRMAN:

DATE

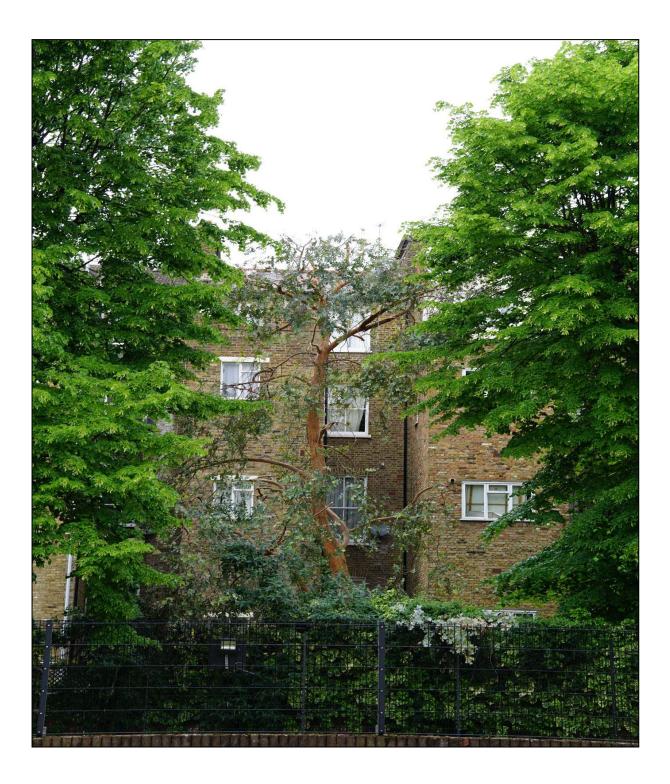
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Agenda Item 4

Executive Summary
and RecommendationsCity of Westminster

Title of Report:Tree Preservation Order No. 694 – 91 Sutherland
Avenue, London W9 2HG

Date: 11 July 2023



Summary of this Report

On 27th March 2023 the City Council made a provisional Tree Preservation Order (TPO) to protect one Cider gum tree (labelled T1 on the TPO plan) located in the rear garden of 91 Sutherland Avenue, London W9 2HG (the Property). The TPO is provisionally effective for a period of six months from the date it was made (27th March 2023) during which time it may be confirmed with or without modification. If not confirmed, the TPO will lapse after 27th September 2023. The TPO was made as the tree makes a significant contribution to public amenity and the residential outlook of the surrounding property and makes a positive contribution to the Maida Vale Conservation Area.

The TPO was made following receipt of six weeks' notice of intent (a S211 notification) to remove one Cider gum tree (T1) from the from the rear garden of 91 Sutherland Avenue. The tree is protected by virtue of its location within the Maida Vale conservation area. The reasons given for the proposed removal of the tree are because of its size and because it is an inappropriate species for the area.

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

An objections to the TPO was received from:

• The Occupier of the Property

Recommendations

The Sub-Committee should decide EITHER

(a) TO CONFIRM Tree Preservation Order No. 694 (2023) with or without modification with permanent effect; OR

(b) NOT TO CONFIRM Tree Preservation Order No. 694 (2023).



City of Westminster

Item No:

Date:

Classification:

Title of Report:

Report of:

Wards involved:

Policy context:

Financial summary:

Report Author:

Contact details

Committee Report

11 July 2023

General Release

Tree Preservation Order No. 694 (2023) – 91 Sutherland Avenue, London W9 2HG

91 Sutherland Avenue, London W9 2HG

Westbourne Ward

No requirement to have regard to Development Plan policies when confirming a TPO but special attention must be paid to desirability of preserving enhancing the character and appearance of the conservation area Notwithstanding the above – the following planning

policies are of relevance: 32, 34, 39 of the City Plan 2019 - 2040 April 2021

No financial issues are raised in this report.

Ross Fletcher and Georgia Heudebourck

rfletcher@westminster.gov.uk Georgia.heudebourck@rbkc.gov.uk

1 Background

- 1.1 Under the Town and Country Planning Act 1990 (the "1990 Act") and the Town and Country Planning (Tree Preservation) (England) Regulations 2012 (the "2012 Regulations") the City Council has the power to make and to confirm Tree Preservation Orders within the City of Westminster. Tree Preservation Order 694 (2023) authorised under delegated powers was served on all the parties whom the Council is statutorily required to notify and took effect on 27th March 2023.
- 1.2 The purpose of a Tree Preservation Order (TPO) is to protect the tree or trees concerned in the interest of amenity and, to this end, to control their management and replacement if they must be removed. The presence of a Tree Preservation Order does not prevent works to the tree being undertaken, but the TPO does give the City Council the power to control any such works or require replacement if consent is granted for trees to be removed.
- 1.3 Tree Preservation Order 694 (2023) was made following the receipt by the City Council of six weeks' notice of intention to remove one Cider gum tree (T1) from the rear garden of 91 Sutherland Avenue (shown labelled T1 of the TPO Plan). Under s211 of the 1990 Act it is defence to the offence of removing a tree in a conservation area if the person undertaking the works has provided 6 weeks' notice to the local planning authority in advance of doing so. The service of such a notice effectively leaves the City Council in a position where it must either accept the notice and allow for the tree to be removed or to take further protective action by making a TPO.
- 1.4 The Cider gum T1 is in rear garden of 91 Sutherland Avenue. It is a prominent tree, clearly visible from the public foot and carriageways of Downfield Close, and from the adjacent sports pitch.
- 1.5 The Cider gum is about 16m tall and has a single stem, which develops a slight lean to the north from about 8m which is not unusual for the species. The tree is considered to have a good form.
- 1.6 Prior to the making of the Tree Preservation Order the upper canopy of the tree did not appear to have been pruned previously, but a low branch had previously been removed to allow clearance from the boundary fence. Following the making of the Tree Preservation Order consent was granted in April for a reduction in height by 2 to 3 m and a reduction of length of lower laterals, to bring them in line with the upper canopy. The works have since been carried out and similar works in the future to maintain the dimensions of

the tree would not be objectionable. Although the tree is mature, it is not excessively large and could continue to be managed in the future with some light pruning to maintain it at an appropriate size. Cider gums are not native to the UK but they are not uncommon and are generally planted for ornamental value, with interesting bark and light green leaves that give a contrast in colour with other trees. The Cider gum is considered to make a positive contribution to the townscape and to be suitable in its location.

- 1.7 Cider gum trees are not rare in Westminster. This tree is not known to have a specific cultural or historic value, but trees are a key component of the conservation area, and so T1 contributes to this general cultural value.
- 1.8 The scale and form of the Cider gum (T1) are such that they are in proportion with 91 Sutherland Avenue. The Cider gum (T1) is considered to make a positive contribution to the townscape and to be suitable in its location.
- 1.9 Maida Vale conservation area has a leafy character. The Cider gum (T1) makes a significant contribution to the leafy character of the area and its loss would cause harm to the character and appearance of this part of the conservation area.
- 1.10 The tree is considered by the Council's Tree Section to have high amenity value and makes a positive contribution to public amenity. The Provisional TPO was subsequently made for the reasons set out above and as more particularly set out in the Arboricultural Officer's report.
- 1.11 The initial reasons given for the proposed removal of the tree (T1) were:
- due to its size and because it is an inappropriate species for the area.
- 1.12 No technical evidence was submitted with the application.
- 1.13 Subsequent to making the TPO the City Council received one objection to the making of the TPO.

2 Objection from Occupier of the Property

- 2.1 The Council's Legal Service received an E-mail from the Occupier of the Property dated 21 April 2023 objecting to the TPO on the grounds that:
- The tree is only 50 feet away from the house so could soon cause subsidence to 91 as well as 89 and 93 Sutherland Avenue, as it draws water from the soil. The Occupier states guidance recommends that Eucalyptus should be planted

at least 100 feet from any buildings in order to avoid the risk of subsidence, damage to water pipes and lifting of paved areas.

- The eucalyptus tree (Cider gum T1) is a forest tree which has grown too large for an urban garden and is too close to the house.
- Eucalyptus are high maintenance trees so need to be pruned back annually, or even more frequently, to avoid roots and canopy spreading out of control.
- The Occupier's health condition means they are unable to prune the tree or clear debris. The landlord, Octavia claims to provide help for older residents with gardening tasks however this service was refused by the gardener on the grounds that there are too many trees, and the work would be too much for him.
- The Occupier notes they are only able to use one third of the garden due to the falling debris from tree branches, dried leaves and branches. It was also noted that the debris is also killing native plants and trees and that Eucalyptus oil from the debris soaking into the soil creates poor conditions for any competitors.
- The Occupier is concerned about the risk of the tree catching fire and spreading. The tree is in situated in an enclosed area in which any fire could easily spread to surrounding buildings.
- The Occupier is willing to replace the tree with a more environmentally suitable native sapling.

3 Response objection

- 3.1 The City Council's Arboricultural Officer responded to the objection by letter dated 12 May 2023. The Officer considered the submitted evidence and stated the following conclusions: -
 - It is not unusual to find large growing trees within urban gardens in Westminster. The rear gardens either side of the Property also contain mature trees and the Cider gum sits well within this context.
 - Westminster City Council granted consent to prune the Cider gum in April. The consent was for a reduction in height by 2-3m, to suitable branch junctions, and a reduction of length of lower laterals to suitable branch junctions, to bring them in line with the upper canopy. This pruning has since been carried out and reduces the height and canopy extent of the tree.

- The Officer noted the growth rate for Cider gums in the UK is slower than the tropics and other hotter countries (where they are more commonly found), the consented pruning provides a smaller canopy and framework for the tree to be repruned to, and now pruned the Officer expects the tree to enter a cyclic repruning regime of about once every 3 to 5 years.
- The making of the TPO does not prevent the removal of fallen leaves, branches or twigs that the objector considers are killing native plants and trees.
- It is recognised that Cider gums have a high natural oil content and are prone to burning within forest fires, especially in countries where they are native or planted for commercial reasons, but they are not prone to burning within the UK. This tree is not at significantly greater risk of catching fire than other trees in Westminster.
- The Officer noted that although the offer of replacement planting with a sapling is appreciated, this would not be considered to be an adequate justification for its removal. The loss of character and amenity which results from the removal of mature trees takes a considerable length of time to restore by planting replacement trees.

3 Conclusion

- 3.1 In light of the representations received from the objectors it is for the Planning Applications Sub-Committee to decide EITHER
 - (a) TO CONFIRM Tree Preservation Order No. 694 (2023) with or without modification with permanent effect.; OR
 - (b) NOT TO CONFIRM Tree Preservation Order No. 694 (2023).

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT ROSS FLETCHER, LEGAL SERVICES (Email rfletcher@westminster.gov.uk) OR GEORGIA HEUDEBOURCK, LEGAL SERVICES ON 07790979410 (Email Georgia.heudebourck@rbkc.gov.uk)

Local Government (Access to Information) Act 1985

Background Papers

- 1. Copy of Provisional TPO 694 (2023)
- 2. Photographs of T1
- 3. Objection E-mail and attachment from Occupier of the Property dated 21 April 2023
- 4. Response letter from the City Council's Arboricultural Officer to objector dated 12 May 2023
- 5. Report of Council's Arboricultural Officer dated 23 March 2023 recommending making of the Provisional Order

Agenda Annex

CITY OF WESTMINSTER PLANNING APPLICATIONS SUB COMMITTEE – 11th July 2023 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Applicant	
l <u>tem No</u> 1.	RN(s): 23/02017/COFUL & 23/02014/COLBC Marylebone	Ground Floor Seymour Leisure Centre Seymour Place London W1H 5TJ	Proposal Refurbishment and upgrade of the Seymour Centre to provide leisure, swimming pool, library, flexible community/office space, health and fitness studios, beauty treatment rooms and a cafe. Flexible use for leisure, community and events spaces (Sui Generis). Refurbishment works to include: removal of the redundant swimming pool tank to facilitate the fitness suite at lower ground floor, relining the existing pool tank, installation of photovoltaics on the inner roof slope and installation of an ETFE 'pillow' roof above the former courtyard and proposed soft play area, removal of the existing roof lanterns and wind catchers in the sports hall to be replaced with new double glazed roof lanterns and wind catchers and installation of secondary glazing to all the windows in the sports hall, removal of roof lantern above swimming pool to be replaced with a new double glazed roof lantern, removal and replacement of existing plant, provision of external private roof terrace (restricted access), minor internal alterations to walls and partitions to facilitate the reconfiguration of uses, improve accessibility with one lift in each core (4 lifts in total plus three platform lifts at first floor) and two new internal upper staircases on the eastern elevation plus two new internal alterations to some windows and fenestration, and provision of cycle parking and waste and recycling facilities.	Applicant Westminster City Council	
	 Recommendation Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 2. Grant conditional listed building consent Agree reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter. 1. 				
ltem No	References	Site Address	Proposal	Applicant	
	RN(s):	Dovopport	Demolition of the existing standalone garages and		
2.	22/07052/FULL Hyde Park	Devonport 23 Southwick Street London W2 2PR	erection of two new dwellings (Class C3) over two storeys, landscaping works, air source heat pump equipment and other associated works.	Church Commissioners for England	
2.	22/07052/FULL	23 Southwick Street London W2 2PR	erection of two new dwellings (Class C3) over two storeys, landscaping works, air source heat pump	Commissioners for	

CITY OF WESTMINSTER PLANNING APPLICATIONS SUB COMMITTEE – 11th July 2023 SCHEDULE OF APPLICATIONS TO BE CONSIDERED

3.	RN(s) : 22/06785/FULL Marylebone	10 Montagu Mews North London W1H 2JY	Alterations including, excavation to provide new basement floor, erection of mansard roof level extension, rear terrace at first floor, alterations to doors and windows; all to enlarge and alter dwellinghouse (Class C3).	Mr and Mrs Haley
	Recommendation Grant conditional p			
Item No	References	Site Address	Proposal	Applicant
4.	RN(s): 22/03785/FULL & 22/03786/LBC	23 Sutherland Place London W2 5BZ	Internal alterations, re-modelling of basement rear extension, enlarged window from basement to garden, alterations to rear garden, balcony to ground floor rear over basement extension.	Metaxa
	Bayswater			
	 Recommendation 1. Grant conditional permission. 2. Grant conditional listed building consent. 3. Agree reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter. 			
Item No	References	Site Address	Proposal	Applicant
5.	RN(s) : 22/06175/FULL	54 - 56 Lupus Street London	Installation of two air-conditioning units to rear in ground level enclosure adjacent to basement.	Mr Blaz Emersic
	Pimlico North	SW1V 3EE		
	Recommendation Grant conditional p			1

Confirmation of TPO (Public Item – not on main agenda)

Item No	References	Site Address	Proposal	Applicant	
N/A	RN(s) : TPO No.694	91 Sutherland	To confirm or not confirm Tree Preservation Order No.694.	N/A	
	Westbourne	Avenue London W9 2HG			
	Recommendation N/A				

CITY OF WESTMINSTER	R				
PLANNING	Date	Classification	Classification For General Release		
APPLICATIONS SUB COMMITTEE	11 July 2023	For General Rele			
Report of		Ward(s) involved	d		
Director of Town Planning	g & Building Control	Building Control Marylebone			
Subject of Report	Ground Floor, Seymour L W1H 5TJ	Ground Floor, Seymour Leisure Centre, Seymour Place, London, W1H 5TJ			
Proposal	W1H 5TJRefurbishment and upgrade of the Seymour Centre to provide leisure, swimming pool, library, flexible community/office space, health and fitness studios, beauty treatment rooms and a cafe. Flexible use for leisure, community and events spaces (Sui Generis). Refurbishment works to include: removal of the redundant swimming pool tank to facilitate the fitness suite at lower ground floor, relining the existing pool tank, installation of photovoltaics on the inner roof slope and installation of an ETFE 'pillow' roof above the former courtyard and proposed soft play area, removal of the existing roof lanterns and wind catchers in the sports hall to be replaced with new double glazed roof lanterns and 				
Agent	Collectiveplanning				
On behalf of		Westminster City Council			
Registered Number	23/02017/COFUL 23/02014/COLBC	23/02017/COFULDate amended/ completed27 March 2023			
Date Application Received	27 March 2023				
Historic Building Grade	Grade 2				
Conservation Area	No				

1. **RECOMMENDATION**

1. Grant conditional permission under Regulation 3 of the Town and Country Planning General Regulations 1992

2. Grant conditional listed building consent

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

2. SUMMARY & KEY CONSIDERATIONS

This scheme seeks to refurbish and enhance the Seymour Centre by upgrading existing leisure facilities and providing a new library, cafe and flexible community space within the Centre.

The key issues for consideration are:

- The acceptability in land use terms
- The impact of the works on this Grade II listed building and
- The acceptability of the works in sustainability terms and the energy performance of the building

The proposed internal reconfiguration floorspace will better utilise the building and facilities. The scheme which will provide a permanent location for the Marylebone Library and community facilities providing a community hub in accordance with City Plan land use policies.

The works proposed are considered sensitive alterations to this Grade II listed building. The removal of the former swimming pool tank room would result in less than substantial harm. This harm would however be offset by the substantial public benefits that the scheme would deliver. The works will create a modern, energy efficient and sustainable building.

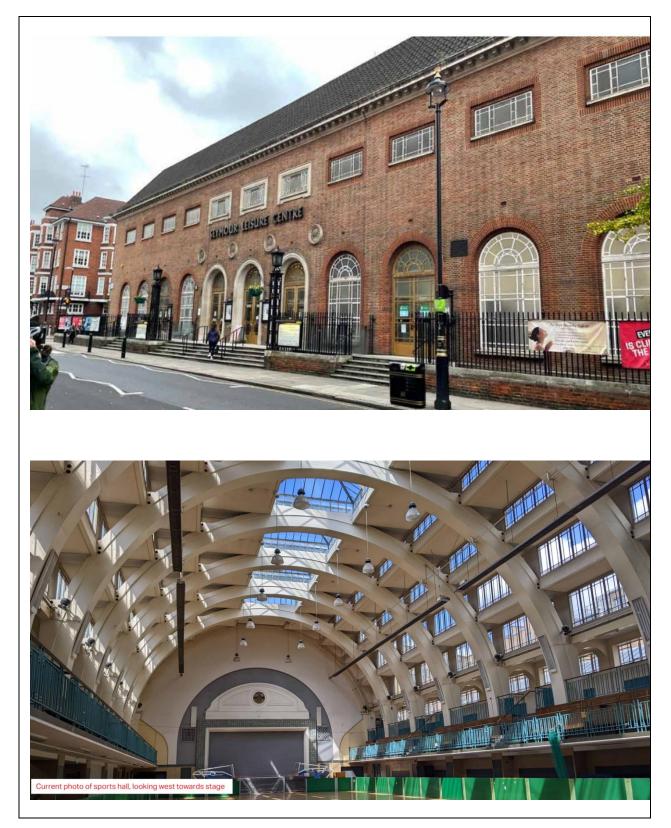
For the reasons set out in the main body of this report, it is considered that the proposal is acceptable in land use, design, sustainability, highways and amenity terms. As such, the applications are recommended for conditional approval.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

5.1 Application Consultations

HISTORIC ENGLAND

No comments offered, advise that the application should be determined in accordance with national and local policy guidance.

THE ANCIENT MONUMENTS SOCIETY No response received.

THE COUNCIL FOR BRITISH ARCHAEOLOGY No response received.

THE SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS No response received.

THE GEORGIAN GROUP No response received.

THE VICTORIAN SOCIETY No response received.

THE TWENTIETH CENTURY SOCIETY

Support the proposals, commenting that the application is a sensitive scheme that respects and enhances the significance of the heritage asset and undertakes crucial work which allow the centre to be enjoyed by future generations.

MARYLEBONE ASSOCIATION: Objection on the following grounds:

Entrance and distribution of uses;

- Further clarification should be given for the need for flexible office space and how this will be used;
- The library, café and leisure centre uses should not share a single entrance on Seymour Place. The entrance to the café and library should be through the Bryanston Place;
- The café' should be located closer to the soft play area.

Sustainability and energy;

- BREEAM 'Outstanding' rather than 'Excellent' should be targeted;
- The argument that upgrades to the building cannot be achieved due to heritage concerns should not be accepted.

Design and heritage

- No noticeable external alterations are proposed. A newly refurbished public building containing a library, leisure uses, and large amounts of community space should be welcoming, open, inviting and appealing. The scheme does not achieve this, the building is relatively solid, closed, unappealing and unwelcoming;
- Creating some external space for users of the building could be achieved within the constraints of the historic building;
- The internal images do not show a high-quality, modern, attractive interior that should be provided for a public building;

WASTE PROJECT OFFICER No objection

HIGHWAYS PLANNING TEAM Any response to be reported verbally

ENVIRONMENTAL SERVICES Any response to be reported verbally

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 372 Total No. of replies: 8 No. of objections: 8

8 Objections received on some or all of the following grounds:

- Inadequate consultation by the applicant with existing leisure centre users.
- alterations including provision of a library and office/ community space within the centre would be detriment to existing sports clubs and activities.
- the scheme will be harmful to leisure services in the borough.
- reduction in size and natural light to the gym/ fitness area.
- the sustainability plan is sub-standard and does not make best use of modern materials and technology.
- inconsistencies on the application drawings.
- Refuse should be collected from Seymour Place as existing not Shouldham Street, a mature cherry tree near the collection point is in danger of being damaged.
- Inadequate details of construction management.

PRESS NOTICE/ SITE NOTICE: Yes

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:

Consultation was carried out across four distinct phases; the SCI states that the applicant remained open to feedback throughout the process, receiving and responding to emails and proactively organising meetings with stakeholders, user, and resident groups.

Consultation with current users

Throughout the consultation process, the Applicant has engaged with the current users of the Seymour Centre. This principally includes the Serpentine Running Club, British Sub-Aqua Club, Amber Beauty Salon, Xen-Do Martial Arts, Koryo Taekwondo Academy, Marylebone Badminton Club, and Swimming Masters, as well as efforts to reach individual members directly.

During the latter two phases of consultation, the Applicant held a series of dedicated meetings with the centre's user groups during which they were asked what spaces they currently use, what they would like to see in the refurbished centre, and what they would consider adequate for their needs vs what they would like to have if space allows. They were also able to engage with the design team in these meetings, providing direct feedback on the emerging proposals which was then incorporated where possible into the final designs.

Current gym and swimming pool users were also proactively engaged via the current centre operators, Everyone Active.

The consultation timeline was as follows:

Phase 1 March - July 2021 Sharing initial priorities

Phase 2 Sept 2021 - Feb 2022 Consultation on current use

Phase 3 April - July 2022 Introducing the new vision

Phase 4 Aug - Oct 2022 Consulting on the developed plans

Oct 2022 - Feb 2023 Feedback review and additional stakeholder meetings

The SCI outlines how residents and users of the Centre were updated throughout the development of the scheme. In summary, this included: • 38,477 newsletters/flyers were delivered locally promoting the consultation. • 14 public consultation events held both inperson and online. • 495 members of the public attended consultation events. • 49 calls and emails responded to from the public; and • 24 meetings and workshops held with key stakeholders. Each consultation phase focused on the changes made following the feedback received from the previous session.

Responding to feedback

A full summary of all the key feedback received throughout the consultation process, and the Applicants response, has been grouped by theme and detailed in the table below.

Feedback	Applicants response
Swimming Pool	
Many swimming pool users campaigned vocally against the reduction of the size of the pool.	The proposals have been changed so the pool will remain the same size as it is currently. This was achieved by removing the addition of spectator seating which was included in a previous iteration of the designs and reducing the size of the changing room.
Some current users questioned why a pool pod was required when a hoist is already available	The current hoist in the centre requires assistance from another person to operate. The Pool Pod Platform Lift set to be installed can be used by wheelchair users independently. The hoist will be kept in storage in case the Pool Pod Platform Lift is required to be taken out of action for any reason.
Some people requested the original 50m pool be restored.	The former location of the 50m pool is currently a very heavily used sports hall which the Applicant has chosen to retain because of the extremely high demand for this facility. The Applicant closely examined current usage and assessments of the demand for both the swimming pool and sports hall. As the demand for the sports hall was so high, and this could not be provided elsewhere within the centre due to its size, the decision was made to retain it and keep the pool in its current position. While the swimming pool is well used, it doesn't have the demand to justify reinstating the 50m swimming pool in place of the sports hall – and swimming numbers have not yet returned to pre-COVID levels while 'dry' sports facilities are under enormous pressure in Westminster. The potential to create a mezzanine floor in the room, to allow the pool to be reinstated, with additional space used to relocate the sports hall. However, following discussions with Historic England, this was found not to be feasible as it would be deemed to cause harm to the listed building.

Accessibility	The Applicant decided to include a D. J.
The decision to include a pool pod over a ramp, which could also allow for submersible wheelchairs, was questioned.	The Applicant decided to include a Pool Pod Platform Lift, rather than a ramp into the pool as the existing pool tank is being retained. Due to these constraints, there would not be space for a ramp
	A Pool Pod Platform Lift allows a wheelchair user to independently access the pool and is intuitive to use
How has dementia and autismfriendly	At the next stage of design, the team will be
design had been considered.	developing design for materiality, finishes and lighting which are very important for users with autism and dementia. The Applicant will continue consulting with experts and Seymour Centre users to ensure the design is appropriate.
Village Change	
The majority of people who engaged in the latter phases of consultation expressed concern about the safety of Village Change. There was a broad consensus that separate male and female changing rooms should be provided.	proposed. Rather, there will be separate
Gym	
Some current gym users expressed concerns that moving the gym to somewhere without access to natural light would have a detrimental impact on their health and wellbeing.	Currently the fitness facilities are located over several floors and in disparate locations within the building. By utilising the large space beneath the sports hall and adjacent spaces on the lower ground floor, we can offer a consolidated fitness service which incorporates a fitness suite, spin, flexible studios, martial arts space, club space, climbing & bouldering as well as treatment rooms, spa and high-quality changing facilities all on one level. Some of these spaces have access to natural light via the lightwells around the perimeter of the building. All spaces will be mechanically ventilated and daylight LED fixtures will ensure all spaces, even those without access to natural light, will be bright and evenly lit.
Gym users also expressed concerns that it would be getting smaller	The gym will not be getting smaller, with the same amount of exercise space being provided as is present currently. The gym will benefit from much-improved facilities,

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	located within the same area of the building, and brand-new changing rooms.
Café	
People frequently asked why a café was being included when there were so many options available nearby	The need for a café reflects the views of local families with young children, who provided feedback that local cafes are often not child-friendly, and that they would welcome the opportunity to pick up a drink or small snack while their children are using the facilities
Some people were concerned the café would compete with established, local independent businesses.	The café is not intended to compete with local businesses, it is an additional space which is primarily intended to allow people using the centre, or parents who have children using facilities, to pick up a drink or snack while in the Seymour Centre.
Sport and Leisure Provision	
Users of the Seymour Centre expressed concern that the provision of additional services within the centre would dilute the sports and leisure offer.	The Proposed Development brings back into use a significant amount of currently un-used, or under-utilised, spaces within the Seymour Centre. This includes the original pool tank, which will be removed and replaced with a brand-new gym. As a result, the incorporation of the additional community and council facilities will lead to no net loss of sport and leisure space.
Library Provision	
Some local people, particularly during the third phase of consultation, questioned whether the library was too westerly within the borough, and whether it should be included in the recently completed Marylebone Square development.	The Moxon Street development is not a council owned asset. It would carry a significant upfront fit-out cost and substantial ongoing costs and is less than half the size of the space identified for the new library at the Seymour Centre. At Seymour we are proposing to include, a purpose-built children's library facility, a large selection of books to borrow, accessible IT facilities, study area, workspaces, meeting rooms alongside a new cafe, soft play and extensive leisure facilities. In the new proposals, the footprint of the current leisure facilities in the Seymour Centre remain unchanged and the offer will be significantly enhanced. The transformation proposes to unlock unused space (not in use or seen by the public) and offers more usable space for the library
A significant number of current users of the gym and swimming pool questioned why other council services were being co- located with the leisure offer	By making better use of current "dead space" around the leisure centre, the Applicant are able to provide a slight increase on the sport and leisure space,

	while being able to improve the council's services in other areas, including the long- promised new home for Marylebone Library.
Community Spaces	
Current users of the centre, particularly those that use the pool, questioned the need for more community space.	There will be no loss of sports and leisure space – the refurbished Centre will include the spaces that you enjoy now, in much better condition and designed to modern standards.
	There is a lot of "dead" space within Seymour Centre which is currently not publicly accessible. The Applicant wants to make better use of the space by incorporating several services which complement each other such as children's library, soft play area, facilities for parents, and more. This will both help to improve the sustainability of the centre and ensure the building provides maximum community benefit
Efficiency of building	
Why aren't you showing more ambition to make the Seymour Centre more energy efficient.	The Applicant focussed on areas which could make the most impact, including double glazing the main sports hall and utilising improved wind catchers. There will also be energy efficiency improvements from relocating the Marylebone Library into the Seymour Centre. By consolidating these services into a single building, this will improve the council's overall energy consumption.

Objections have been received that inadequate consultation was undertaken by the applicant with existing leisure centre users. As detailed above the consultation with user groups and stakeholders was extensive during each phase of consultation. The applicant attended 7 meetings with users of the centre during phase 3 and 8 stakeholder meetings during phase 4. Posters were also advertised at the Seymour leisure centre and Marylebone Library advising users of the development and encouraging consultation. The public consultation is considered to be extensive and comprehensive.

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 Seymour Leisure Centre is part of a street block bounded by Seymour Place to the east, Bryanston Place to the south, Shouldham Street to the west and Crawford Street to the north.

The building is Grade II-listed building, constructed between 1935 and 1937 to designs by architect Kenneth Cross. It was purpose-built to house two community indoor pools, a stage, spectators' area, laundry, and slipper baths. It has been modernised several times and lost its original main swimming pool, laundry and slipper baths, while other areas have been repurposed for climbing, children's soft play, and other community and sports uses.

The building is a 3- storey building with a basement and part sub- basement level. The central part of the building is characterised by a triple-height central sports hall with a glazed arched roof that houses the sports courts (formerly a swimming pool). A swimming pool is located to the north. The accommodation to the south is currently a combination of a gym, changing areas and staff accommodation. A vacant residential caretakers residential flat (Use Class C3) is located on the first floor along the Shouldham Street frontage.

The site is not within a conservation area, the site borders two conservation areas: Portman Estate (to the east along Seymour Place) and Molyneux Street (to the west along Shouldham Street). The external elevations are characterised by art deco features. The Bryanston Place frontage has a centralised bell tower (bell cupola). The principle access to the centre is off Seymour Place.

Surrounding Area

The surrounding area is mixed use but predominantly residential. The northern boundary adjoins Macready House- a 5 storey residential building with a basement. A seven- storey

building with ground floor retail uses and residential uses is located on the opposite side of Seymour Centre on Seymour Place. Three storey residential terraces are located on Shouldham Street. The wider area includes Bryanston Square and Montague Square to the east and retail uses on Crawford Street to the north.

7.2 Recent Relevant History

A number of planning permissions and listed building consents have been granted at the site that relate to alterations such as installation of plant, louvers heating and external ramp for accessible access.

Other relevant planning permissions

The planning permissions granted at Luxborough Towers on Luxborough Street are relevant because the site was previously earmarked to accommodate the Marylebone Library as part of a residential-led development. The original planning permission lapsed and a subsequent planning permission was granted on the basis that the Marylebone Library was going to be provided at the Seymour Centre instead.

These planning permissions are summarised below.

13/08401/COFUL - Planning permission was granted on 6 May 2014 for the 'redevelopment of the existing play space to provide a library on two basements and part ground floor and nine residential units above (1x1 bedroom, 5x2 bedroom and 3x3 bedroom units)...' at Luxborough Towers, Luxborough Street, W1U 5BF. This consent was not implemented and has lapsed.

19/06451/COFUL- Planning permission was subsequently granted on 19 November 2020 for the 'redevelopment of existing play space to provide a new building comprising a flexible Class D1 (non-residential institutions) use at ground floor level, 14 x affordable house units (7 x 1-bed and 7 x 2-bed) on first to fifth floors with associated terraces/balconies (Class C3)...' This planning permission has been implemented.

8. THE PROPOSAL

The proposal seeks to alter the Seymour Centre to transform the existing Leisure Centre into a multipurpose building, giving access to a greater range of the community facilities. In addition to the existing leisure / sport facilities the scheme will provide a new library, cafe and flexible community space and office use.

The proposed uses are as follows:

Leisure Uses

The building contains a range of leisure uses that includes a swimming pool (Use Class F2(d)), sports courts/sports halls, health and fitness suites, climbing/bouldering wall, yoga/pilates studios, martial arts, spin classes, soft play and ancillary leisure offices (Use Class E(d)). The proposal involves internal reconfiguration of floorspace but retention of these uses.

<u>Library</u>

The proposed library will be located at the southern side of the site spread across ground and first floors (total 834.5 m2). This will be a permanent home for the former Marylebone Library.

Flexible Community Use

The proposal provides 295.5m2 of floorspace to be used by the community for sport and recreation and recreation and event spaces including but not limited to; yoga studios, pilates studios, education classes, tutor groups, children's birthday parties. Gallery space will also be used for the above purposes and also provide an opportunity for small exhibitions and gatherings. The sports hall is also used as an events space which will be retained as part of the proposal.

Flexible Community / Office Use

The proposal provides 210.5m2 of floorspace to be used flexibly for office space or in community use. The intention being that the flexible spaces can be used for a range of activities by both council teams and external partners (health and wellbeing, adult social care, older people's activities).

Proposed layout

Access for all will be through the main entrance on Seymour Place. Leisure users will use the main sports hall and swimming pool (ground floor, location as existing) and downstairs to the fitness suite, studios and dry change facilities. The squash court and climbing centre remain in their current locations. Spa and treatment rooms are located to the south-east. From the entrance there will be open access to the south for all members of the public, leading to the library, café and community spaces (ground floor) and library, office spaces and community spaces (first floor)

The main proposed works are as follows:

<u>Lower ground floor:</u> Demolition/ removal of the original main swimming pool tank which has been unused since the pool was boarded over in the 1940's. This opens up a large space in the centre of the floorplate which is proposed to be used as a new fitness suite with associate changing rooms plant and back of house rooms.

Infilling an internal courtyard area at the western end of the site to provide a plant room at lower ground floor level.

Southern and northern lightwells are to be removed to enable the installation of the new passenger lifts from lower ground floor to first floor. Three new plant rooms will be provided in the back of house area.

Ground floor:

Removal of reception desk and platform lift within the front entrance. Removal of some existing internal walls and partitions to create an open plan library and circulation area to the south, wet change area to the east and changing places facility to the north, buggy store, WC's and catering facility to the west.

Existing wet change area to the east will be reconfigured to create separate male and female changing rooms as well as family/group/accessible changing facilities. The infilled courtyard would provide a double height space at ground floor level.

First Floor

The existing upper staircase to the east and west will be removed and replaced with a platform lifts and new upper staircase. The existing entrance to the gym will be removed and reconfigured to facilitate circulation to the library and flexible community and office. Existing partitions of the vacant residential flat will be removed to create new community spaces, offices and staff welfare rooms. Some internal partitions are to be removed to create space for a new open plan office, WC and meeting room to the east. Part of the existing slab to be removed to enable the new stairs connecting the Shouldham Street wing to the west.

Second Floor

Existing roof plant to the north and south to be removed to allow voids to be formed for new services to continue from the floor below and terminate at roof level. Demolition of floor to create void within existing slab for lift overrun structure to the east and south.

<u>Roof</u>

Removal of the existing roof lanterns and wind catchers in the sports hall to be replaced with new double glazed roof lanterns and wind catchers and installation of secondary glazing to all the windows in the sports hall. Removal of roof lantern above swimming pool to be replaced with a new double glazed roof lantern. The installation of photovoltaics covering an area of 64m2 on the roof slope closest to the southern elevation (Bryanston Place). External roof plant and roof services will be removed and replaced with new services installed.

9. DETAILED CONSIDERATIONS

9.1 Land Use

The existing	g and proposed us	es are summarised in	the table below

Categories	Use Class	Uses	Existing	Proposed	Proposed
			GIA(m2)	GIA(m2)	GIA % change
		Sports Courts	1434	1476	2.8%
		and Sports Hal			
Leisure	Use Class	Health and	1584	1582	-0.13%
	E(d)	Fitness Suites			
		Soft Play	98	123	25.5%
		Climbing Wall	250	250	0
		Ancillary	248	143	79.3%
		Leisure offices			
	Use Class	Swimming pool	948.5	944.5	-0.42%
	F2 (d)				
	Sui Generis	Spa	121.5	224.5	84.7%
	Total Leisure	•	4685	4737	1.1%
Library	Use Class	Library	0	834	
-	F1(d)	5			
Flexible	Use Class	Flexible	0	210.5	
Community/Office	E,F1 and F2	Community			
Use		and office			
		spaces			

Commercial	Use Class E(a)	Café'	0	33.5	
Community	Use Class E,F1 and F2	Flexible Event Sport and Recreation Space	467	295.5	-36.7%
Residential	Use Class C3	Caretakers flat	175	0	
		Former pool tank	697	0	
		Circulation	1608	1538	-4.3%
		Internal Plant	621	901	45.17%
	Total		8253	8538	3.45%

Social & Community Uses

City Plan policy 17 (Community infrastructure and facilities) states that existing community facilities and floorspace will be protected other than where it can be demonstrated that either:

1. the loss or relocation is necessary to enable service provision to be reconfigured, consolidated, upgraded, or delivered more effectively as part of a published strategy to improve services and meet identified needs; or

2. there is no demand for an alternative social and community use for that facility or floorspace, evidenced by vacancy and appropriate marketing for at least 18 months.

In this case as set out in the land use table above there will be no loss of social and community facilities. The scheme will reconfigure existing leisure/ sports facilities and provide a library and flexible community space. This accords with City Plan policies.

The supporting text to City plan policy 17 acknowledges that demands for services change over time and this may result in changes to the pattern of service delivery. To be resilient to such changes, community facilities need to operate in buildings that meet the modern needs of the service and those who use them. This may mean that co-location of a number of different community facilities within a single site or building is appropriate, alongside rationalisation of floorspace to facilitate this.

The Seymour Leisure Centre is cited as a good example of this by combining swimming facilities with a gym, sports hall and climbing centre. The City Plan refers to the plan to locate a library facility at the site to create a community hub. An objection that the proposal would be harmful to leisure services in the borough is not supported by Officers.

Each of the uses proposed are discussed in turn

<u>Library</u>

An objection has been received that the Seymour Centre is not the best location for the Marylebone library. The existing Marylebone Library is temporarily located on New Cavendish Street. The proposal will give the library a permanent location. As stated the relocation of the library to the Seymour Centre is supported by Policy 17 of the City Plan.

Loss of Residential

There is a single 2 x bedroom caretakers flat at 1st floor level of the centre accessed from Shouldham Street. This will not be retained as part of the refurbishment scheme.

Policy 8(B) of the WC Plan seeks to protect all existing residential units, uses and floorspace. The residential flat has been vacant for three years. The loss of this flat is required to allow for improved disabled access and additional floorspace for the community uses. In particular, two community rooms, accessible toilets and fire escape.

The loss of the flat will be offset by additional residential units provided on Council owned land offsite at Luxborough Towers, Luxborough Street referred to in Section 7.2 above (ref: 13/08401/COFUL).

This permission is on Council owned land and was originally intended to accommodate the Marylebone Library, however the consent was not implemented and has since lapsed. A decision was subsequently made to relocate the library to the Seymour Centre and not the Luxborough Street site, which allowed a revised planning application (ref: 19/06451/COFUL) to come forward for Luxborough Street without a library and therefore an increased quantum of residential units.

The reprovision of the library at the Seymour Centre specifically allowed for the increase in quantum of residential units at Luxborough Street from 9 dwellings to 14 dwellings (5 extra dwellings) and flexible D1 spaces. All the dwellings are affordable 1 to 2 beds to meet the need in Westminster, which was only possible because the library was provided offsite.

The provision of the additional 5 affordable dwellings on Council owned land, within close proximity to the Seymour Centre appropriately compensates for the loss of one vacant flat at the Seymour Centre by providing 4 flats, meeting the requirements of Policy 8B(1). It also enables the Seymour Centre to be used in its full capacity as a community centre for all. Overall, the loss of the flat is outweighed by the community benefits provided by the scheme and is therefore acceptable on planning balance.

Leisure Uses

The proposal provides an increase in leisure floorspace by 52m2 or 1.1%, therefore ensuring there is no loss in leisure floorspace. The flexible community uses also provides an additional 295.5m2 of floorspace which can be used for leisure purposes increasing the overall leisure provision and opportunities at the site.

The facilities will be upgraded to modern standards comprising a designated five court sports hall, a full height climbing wall / bouldering centre, acoustic insulated fitness suites and squash courts to increase leisure provision. The proposal includes a new double height children's soft play area.

As summarised in section 5.2 of this report (Applicant's Pre-Application Community Engagement), in response to community consultation, the existing swimming pool tank will be retained to ensure there is no reduction in width or length. The existing swimming pool tanks will be relined to improve the longevity and usability of the pool. The pool surrounds will be raised

by approximately 250mm to create level access to adjacent uses. A pool pod located at the shallow end of the pool is proposed making it accessible for wheelchair users.

The spa and treatment rooms will also be re-provided immediately adjacent to the proposed fitness suites and changing rooms within the basement level in addition to the changing rooms within the spa. The applicant advises that the co-location of these facilities make it easily accessible and encourage them to be used by the public.

Objections have been received from the Suba Club that storage facilities will be lost. The applicant advises that 'wet sports' storage facilities will be provided in a larger room at lower ground floor level which will provide increased storage for the Scuba Club.

The proposed upgraded leisure uses accord with City Plan policy 17.

Flexible Community and Office Use

The proposal introduces new flexible community and office uses on the first floor which comprises five rooms. This will allow for office, administrative and flexible community uses to operate and function. The flexible community and office uses are in keeping with the community centre aspirations of Policy 17 of the WC Plan

Flexible Uses and Event Spaces

The proposal would provide 295.5m2 of flexible event space which can be used to hire out for children's parties, educational and sports classes. The flexibility of uses and varying sizes of the rooms will provide local residents with a choice in using and hiring local facilities. The flexible space will provide a further community facility within the centre. The intention is that the Sports Hall will continue to be used as a flexible space for concerts, small gatherings and exhibitions.

<u>Café'</u>

The proposal introduces a new café within the Centre. The café will be located within the library and will not be accessible from the street. It is small in size and scale covering an area of 33.5m2 which includes storage and pantry areas. The purpose of the café is to provide parents/guardians and other users of the Centre who are unable to leave during swimming/sports lessons the ability to purchase refreshments without leaving the Centre, rather than compete with local businesses.

Summary of land uses

Overall, the proposed development will create a modern centre in which leisure will continue to be the predominant use, with the added opportunity of using the flexible community uses for sport and recreation purposes. The building co-locates a number of facilities and uses within one building to create a multi-purpose centre, which is supported by Policies S1 of the London Plan and Policy 17 of the WC Plan

9.2 Environment & Sustainability

Policy 36 of the City Plan requires that all development to reduce on-site energy demand and maximise the use of low carbon energy sources.

The scheme seeks to refurbish the existing building making improvements to the energy performance of the building. Neither London Plan nor City Plan policies have any specific carbon reduction policies for refurbishments, although Policy 6.17 of the GLA's Energy Assessment Guidance states that for major refurbishments, the existing CO2 baseline performance of the building will need to be calculated to determine the baseline. Once this has been determined, the measures outlined the Energy Hierarchy will need to be implemented to outline the estimate of CO2 savings. Policy 6.24 of the GLA's Energy Assessment Guidance allows for flexibility to be applied to listed building when meeting the recommended standards and requires these limitations to be stated in accompanying energy reports.

There are challenges with retrofitting and refurbishing the building due to its Grade II listed building status and other structural reasons. Part of the energy strategy is to retain and refurbish the existing building rather than to demolish a Grade II listed building. Improvements in energy and carbon reduction will however come from the enhanced system performance. This includes the provision of secondary and double glazing to the sports hall and swimming pool rooflights and windows. The rooflights will also receive a solar control film, which will minimise the solar gains within the sports hall and help to reduce any potential overheating issues.

Air source heat pumps for heating and cooling are proposed to be used to generate domestic hot water to the Centre. Variable Refrigerant Flow heat pumps are proposed to be used to provide space heating and cooling to most of the spaces within the building with the exception of circulation corridors and back of house areas, which will be heated via existing/new radiators fed from new energy efficient boilers. The three existing wind catchers will be replaced with new functional wind catchers to assist with overheating.

The swimming pool will utilise microfiltration which is currently the most modern water treatment system proposed. It provides better and effective filtration versus conventional systems and utilises less energy. Recovery technology will be implemented using the heat generated by gym users in these cool areas to heat the pool rather than being discharged ('rejected') into the atmosphere. The pool will be heated free of cost while the gyms are in use representing a sustainable and innovative solution.

An Energy Strategy and overheating report has been submitted by Desco in support of the application. The report sets out a baseline model to understand the current energy performance, emissions and targets and an assessment against the Energy Hierarchy in the London Plan. The report states that scheme will result in a 54% reduction in energy consumption compared to the baseline model of the GLA's Energy Assessment Guidance.

An objection has been received from the Marylebone Society that scheme does not maximise sustainability improvements and the development should target a BREEAM outstanding rating. City Plan Policy 38E of the City Plan relates to sustainable design and requires that residential conversions and that Non-domestic developments of 500 sqm of floorspace (GIA) or above will achieve at least BREEAM "Excellent" or equivalent standard. For the reasons set out above it is considered that the refurbishment scheme does make significant improvements to the building's sustainability credentials. The scheme aims to achieve a BREEAM 'Excellent' rating, in accordance with policy. This is welcomed. It is recommended that this is secured by condition.

Air Quality

Policy SI 1 of the London Plan seeks to improve air quality by requiring developments to be air quality neutral. Policy SI 1 of the London Plan also requires developments to reduce the impact on air quality during the construction and demolition phase and demonstrate how they comply with non-road mobile machinery low emission zone. Policy 32 of the City Plan requires all developments with sensitive uses to be air quality neutral and positive.

The site is within an Air Quality Focus Area as identified on the Policy Maps. An Air Quality Assessment has been prepared by Air Quality Consultants which states that the impacts of the proposed development in terms of generating dust, particulate matter during construction and emissions from road traffic will not be significant on the wider area as there are limited external works proposed.

The report states that the building and transport related emissions associated with the development will be below relevant benchmark targets and is therefore air quality neutral, in line with London and Local plan policy.

Overall, the proposed development will not have any adverse air quality impacts on adjoining neighbours and on the environment. It therefore accords with London Plan and City Plan policies.

Environment & Sustainability Summary

Overall, the Applicant's submission demonstrates the development will result in an acceptable environmental impact. The scheme will reduce the buildings carbon emissions through its operations which is welcomed.

9.3 Biodiversity & Greening

Ecology

Policy G6 of the London Plan states that developments should manage impacts on biodiversity and aim to secure net biodiversity gain. This should be informed by the best available ecological information and addressed from the start of the development process.

An Ecological Assessment has been prepared by the Ecological Partnership which recommends that six bird (swift) boxes should be installed within each gable end of the building to allow for nesting. The scheme includes the provision of 6 bird boxes in accordance with the ecological report. It is recommended that the bird box provision is secured by condition.

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."

Whilst there is no statutory duty to take account of a development's effect on the setting of a conservation area, Policy 39(K) in the City Plan 2019-2040 requires that the setting of a conservation area, "...will be conserved and opportunities taken to enhance conservation areas and their settings, wherever possible

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

Townscape, Design & Heritage Impact

The Seymour Leisure Centre is a Grade II listed building. The foundation stone of was laid on 21st October 1935 by Alderman William C. Cole, Chairman of the Baths and Washhouses Committee of the St. Marylebone Borough Council, and it opened on 29th April 1937 having been built to designs by the architect Kenneth Cross and the consulting engineers, E. Winfield Bowlers & Partners. The acquisition of the site and the construction of the building cost approximately £250,000. As built, it contained two swimming pools, private baths, a squash rackets court, changing and club rooms etc., and a public wash house. The large pool was open from May to September and during the winter months it was floored-over. It provided (as described in the 1950's), "an attractive venue for dances, concerts, exhibitions, banquets, boxing tournaments etc. ... In addition, a Lecture Hall to seat 120, and a Committee Room to accommodate 50 persons for Board Meetings etc., are available for hire..." Consequently, it can be seen that the building was designed and operated as much more than simply a sports centre. In heritage asset terms this is of particular relevance in on relation to some of the objections received to the uses envisaged as part of the refurbishment.

Although listed and possessing fine façades, the building is not in a conservation area but it is within the setting of the neighbouring Portman Estate and Molyneux Street conservation areas. Nevertheless, it makes a positive contribution to its surroundings. Internally, despite modernisation in the past, the interior contains features contributing to the building's special interest such as its plan form, entrance halls, staircases, and swimming pools. However, the main pool has been disused for many years and is currently floored-over.

In heritage asset terms, the alterations proposed will mostly be neutral or moderately beneficial. In addition, the major improvements to step-free access within the building are a substantial public benefit and will replace the existing facilities which are frequently obtrusive and functionally inadequate. Additionally, underused spaces will be brought back in to beneficial use, and better use can be made of the small inner courtyard lightwell once it is covered by the proposed roof.

There are several areas of heritage harm, such as the loss of WCs near the former public wash house which retain original joinery, loss of the staircase and partitions in the caretakers flat and at first floor level, and truncation of the upper half of the two original eastern staircases in the Seymour Place wing to make space for platform lifts and a slimmer new stair in each of the two locations (to negotiate the level differences between the building's different wings). The greatest harm in heritage asset terms is caused by removal of the currently disused main pool, at one time described by the Borough of St Marylebone as "...one of the finest covered swimming pools in the country". The 'fineness' of the pool, as it was, was derived from its size and the magnificent space with which it is situated. While the pool tank will be removed, the rest of the space will be retained along with architecturally sensitive improvements to its environmental performance. The harm to the building's significance, which is moderate but less than substantial in NPPF terms, is comprehensively outweighed by the public benefits of the scheme, which include provision of improved health and recreation facilities in the building (including on the site of the removed pool), provision of facilities for a relocated library in a fully accessible location, along with refurbished and enhanced rooms for potential community uses. Furthermore, the environmental performance of the building will be enhanced with features compatible with, and sensitive to, its special historic and architectural interest.

The building will be maintained in its optimum viable use with alterations compatible with maintaining its significance as a designed heritage asset, and the objections raised insofar as they relate to heritage asset matters would not justify refusal of the application. In particular the objection claiming that, "we have a building designed in the early 20th century which is, relatively solid, closed, unappealing and unwelcoming", is plainly wrong and the objector's suggested 'improvements' which could include, "increased and enlarged openings along the south elevation and perhaps on the south-east and south-west corners", would harm the appearance and special architectural interest of the building. The historical and architectural qualities of the building are beyond question and are clearly set out in the independently produced, and well-balanced, heritage statement. The alterations also have the support of the Twentieth Century Society which states, "We find the application to be a careful and sensitive scheme that respects and enhances the significance of the heritage asset and undertakes crucial work which allow the centre to be enjoyed by future generations. For these reasons, the Society supports the application."

As such, whilst being mindful of policies 38, 39, and 40 of the City Plan 2019-2040, given the substantial public benefits that would be delivered, 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 conditional 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.

9.5 Residential Amenity (Daylight & Sunlight and Sense of Enclosure)

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

The proposal includes a small infill extension within a courtyard at the western side of the site. The extension is completely contained within the site and will not increase the envelope of the building. The scheme will have no impact on the light levels or sense of enclosure at any neighbouring properties.

Privacy

The application includes the provision of a small terrace at 2nd floor level at the north western end of the site. Given the distance separation between the terrace area and Macready House to the north. It is considered that use of the terrace would not result in any material overlooking and loss of privacy. A condition is recommended to ensure that music is not played on the terrace to ensure that there would be no noise nuisance.

Noise & Vibration

New plant rooms are proposed at basement level within the building. New external plant is also proposed at roof level at the western end of the site adjacent to the roof of the sports hall. An acoustic report has been submitted in support of the application. A condition is recommended which will control the noise emissions from plant to ensure compliance with City Plan Policy 33 which seeks to manage local environmental impacts such as noise and vibration.

9.6 Transportation, Accessibility & Servicing

Accessibility

City Plan Policy 38 states that all development will place people at the heart of design, creating inclusive and accessible spaces and places. The proposal has been designed to accommodate wheelchair users by incorporating level access to the swimming pool surround, wider corridors and improved door widths, eliminating level changes where practicable, improved sanitary and changing facilities and provision of evacuation lifts to ensure dignified means of escape during a fire. A pool pod is proposed at the shallow end of the swimming pool for wheelchair users and the finishes will include slip resistant, non-reflective surfaces to provide good visual contrast between surfaces for partially sighted people. Other inclusive design features include implementing acoustically absorbent finishes and surfaces to assist people with hearing impairments and people with potential neurodiversity issues. The design measures are in accordance with Policy D5 of the London Plan and Policy 38 of the City Plan.

Servicing

No changes are proposed to the existing servicing arrangements. There is no off street servicing. Vehicles temporarily park along single yellow line parking restrictions on Seymour Place and Bryanston Place. The continuation of the existing servicing arrangements is considered acceptable. It is accepted that the scheme does not offer the opportunity to provide off street servicing.

Waste & Recycling Storage

City Plan Policy 37 requires development to provide appropriate facilities for the storage of separate waste streams which are safe and convenient. The Waste Project Officer initially raised concern regarding the storage the applicant proposed, but during the course of the application the applicant amended the drawings to provide adequate refuse provision. A recommended condition requires it is provided.

Cycling & Cycle Storage

London Plan Policy T5 and Chapter 8 of the London Cycle Design Standards (LCDS) set cycle parking standards. The site requires 7 long stay cycle parking spaces to be provided. There is currently no designated cycle parking onsite or within the building. The proposal will provide 12 cycle long stay parking spaces located internally within the basement. The area is accessible via the lift from ground floor. An additional existing 44 short stay spaces are available outside the building and within no more than a 500m radius.

Parking

The proposal does not include any off-street car parking provision. The site is within a Controlled Parking Zone which means anyone who does drive to the site will be subject to those on-street parking controls. The impact of the development on parking levels within the are would be minimal and consistent with City Plan Policy 27 and London Plan Policy T6.1.

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 creation of a community hub will create additional job opportunities on site. The increase in jobs supported by this site will help to promote opportunities for local employment and will lead to increased spending in existing nearby shops and services and other town centre uses.

9.8 Other Considerations

Objections have been received that the plans have not been consistent. The applicant advioses that incorporating community feedback was integral to the scheme. The final changes involved retaining the size of the existing swimming pool and providing gendered changing facilities in direct response to consultation feedback.

An objection has been received that if a library is to be provided on the site it should have its own entrance. The single entrance on Seymour Place will create a sense of arrival into the Centre. The Bryanston Place entrance may be used for one-off events in the sports hall but it does not have step-free access.

Environmental Impact Assessment

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

9.9 Planning Obligations & Pre-Commencement Conditions

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

10. Conclusion

The proposed refurbishment of the Seymour Centre will provide multiple community services

within one building to create an enhanced Seymour Centre. The proposed internal reconfiguration of the spaces allows for a better utilisation of the building as the proposal will result in a slight increases the leisure provision onsite whilst providing a library with an ancillary café, flexible community and office spaces. In land use terms this is welcomed.

The proposed works are sensitive to the Grade II listed building. The loss of the original swimming pool would result in some harm to the buildings significance, however this is outweighed by the substantial public benefits that would be delivered.

The proposal will create a modern energy efficient and sustainable building. The proposed uses and improvements to the building will contribute to its long-term sustainability as a listed building which benefits the community.

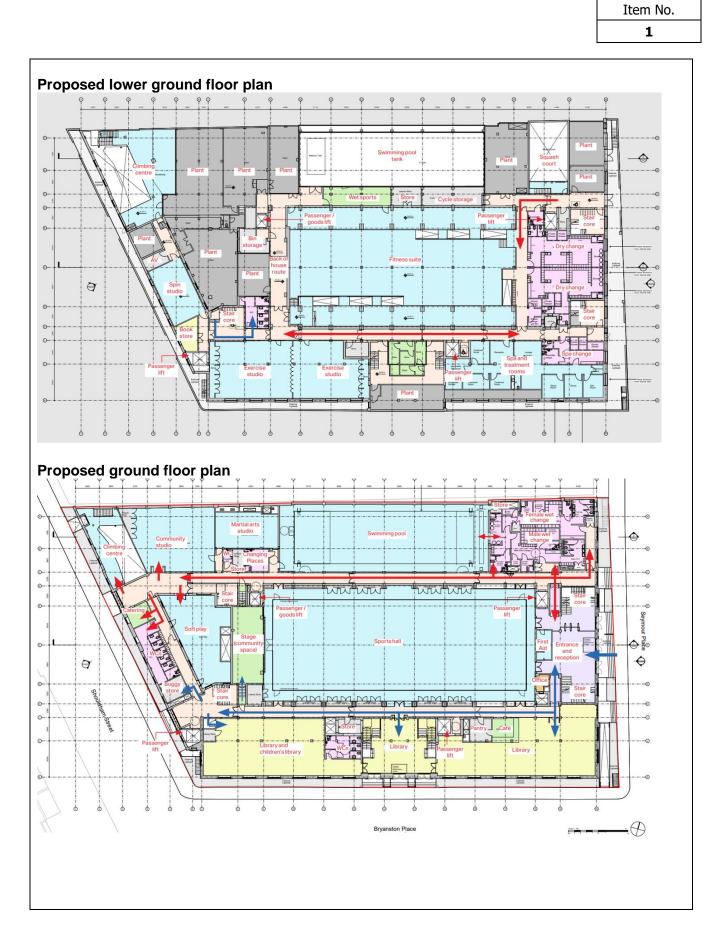
As such, the proposal is considered acceptable, mindful of policies within the development plan and therefore, a recommendation to grant conditional permission and conditional listed building consent will be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed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

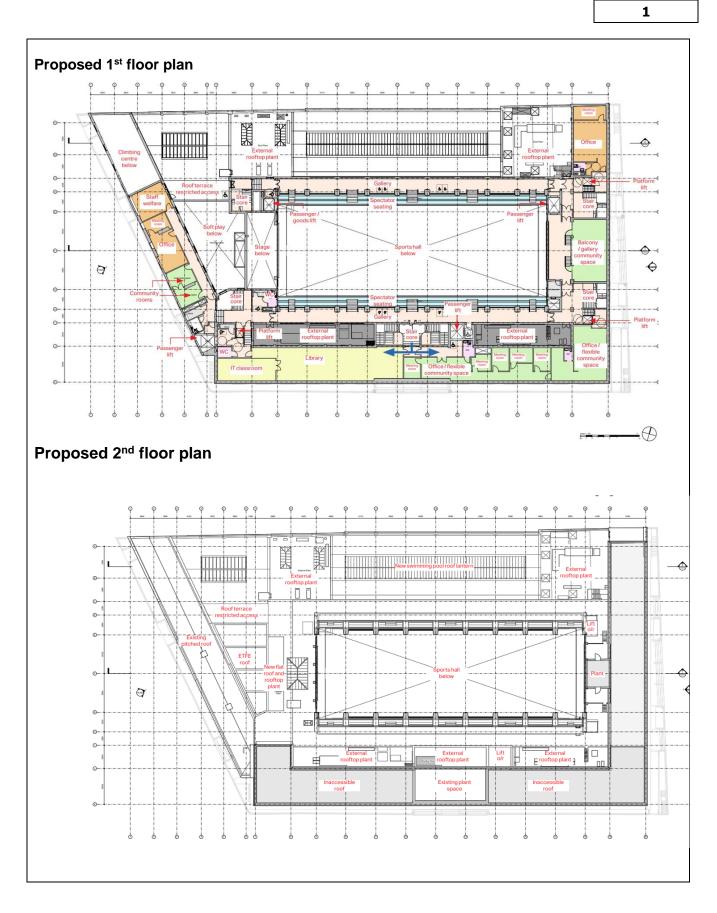
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON BY EMAIL AT <u>mwalton@westminster.gov.uk</u>

11. KEY DRAWINGS







Item No.

Proposed roof plan ø Ŷ \bowtie Ø X Î \boxtimes • <u>o</u>-<u>_</u> Γ LAD **©**--<u>_</u> \boxtimes A đ <u>o</u>-**⊳**∺K Θ-0-Тьļ Lin sa H E ŧ 0-Y -X-⊙-ļ ė Å Å

Item No. 1

DRAFT DECISION LETTER

Address: Ground Floor, Seymour Leisure Centre, Seymour Place, London

Proposal: Refurbishment and upgrade of the Seymour Centre to provide leisure, swimming pool, library, flexible community/office space, health and fitness studios, beauty treatment rooms and a cafe. Flexible use for leisure, community and events spaces (Sui Generis). Refurbishment works to include: removal of the redundant swimming pool tank to facilitate the fitness suite at lower ground floor, relining the existing pool tank, installation of photovoltaics on the inner roof slope and installation of an ETFE 'pillow' roof above the former courtyard and proposed soft play area, removal of the existing roof lanterns and wind catchers in the sports hall to be replaced with new double glazed roof lanterns and wind catchers and installation of secondary glazing to all the windows in the sports hall, removal of roof lantern above swimming pool to be replaced with a new double glazed roof lantern, removal and replacement of existing plant, provision of external private roof terrace (restricted access), minor internal alterations to walls and partitions to facilitate the reconfiguration of uses, improve accessibility with one lift in each core (4 lifts in total plus three platform lifts at first floor) and two new internal upper staircases on the eastern elevation plus two new internal staircases on the south-west of the first floor, external alterations to some windows and fenestration, and provision of cycle parking and waste and recycling facilities.

Reference: 23/02017/COFUL

Plan Nos: Demolition Plans : PA1598 P03,PA1599 P03,PA1601 P03,PA1602 P03,PA1603 P03.

Plans: PA1998 P03,PA1999 P04,PA2000 P03,PA2001 P03,PA2002 P03,PA2003 P03,PA2098 P03,PA2099 P03,PA2100 P03,PA2101 P03,PA2102 P03,PA2200 P03 PA2201 P03,PA2203 P03,PA2250 P03,PA2251 P03,PA2918 P03,PA2919 P03,PA2920 P03,PA2921 P03,PA2922 P03,PA3000 P02,PA3001 P02,PA3002 P02,PA3007 P02.

Case Officer: Mike Walton **Direct Tel. No.** 07866039922 **Recommended Conditions:**

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

Reason:

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

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

Reason:

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

3 You must apply to us for approval of construction drawings at 1:10 with full size details of the following parts of the development - 1) All new external doors and 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.

Reason:

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

4 The provision for the storage of waste and recyclable materials for the development, as shown on the drawing reference number SCH-MAKE-XX-B1-DR-AR-PA1999 Rev P04 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)

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 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) 5 and 6 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)

8 The development hereby approved shall achieve a BREEAM rating of 'Excellent' or higher or an equivalent independent measure of energy performance and sustainability.

Within six months of occupation of the development by the library and community spcae, you must

submit to us a post completion certificate (or equivalent certification) confirming that the development has been completed in accordance with the required BREEAM rating.

Reason:

To ensure the development minimises operational carbon dioxide emissions and achieves the highest levels of sustainable design and construction in accordance with Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R44BE)

9 You must provide each cycle parking space and associated facilities for cyclists shown on the approved drawings prior to occupation by the library and community space. Thereafter the cycle spaces and associated facilities for cyclist must be retained and the space used for no other purpose.

Reason:

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

10 No music shall be played on the 2nd floor roof terrace as shown on drawing SCH-MAKE-XX-02-DR-AR-PA2002 P03

Reason:

To protect the environment of people in neighbouring properties, as set out in Policies 7 and 33of the City Plan 2019 - 2040 (April 2021). (R13BD)

Informative(s):

1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 – 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

DRAFT DECISION LETTER

Address: Ground Floor, Seymour Leisure Centre, Seymour Place, London

Proposal: Refurbishment works to include: removal of the redundant swimming pool tank to facilitate the fitness suite at lower ground floor, relining the existing pool tank, installation of photovoltaics on the inner roof slope and installation of an ETFE 'pillow' roof above the former courtyard and proposed soft play area, removal of the existing roof lanterns and wind catchers in the sports hall to be replaced with new double glazed roof lanterns and wind catchers and installation of secondary glazing to all the windows in the sports hall, removal of roof lantern above swimming pool to be replaced with a new double glazed roof lantern, removal and replacement of existing plant, provision of external private roof terrace (restricted access), minor internal alterations to walls and partitions to facilitate the reconfiguration of uses, improve accessibility with one lift in each core (4 lifts in total plus three platform lifts at first floor) and two new internal upper staircases on the eastern elevation plus two new internal staircases on the south-west of the first floor, external alterations to some windows and fenestration.

Reference 23/02014/LBC

Plan Nos: Demolition Plans :

PA1598 P03, PA1599 P03, PA1601 P03, PA1602 P03, PA1603 P03.

Plans:

PA1998 P03,PA1999 P04,PA2000 P03,PA2001 P03,PA2002 P03,PA2003 P03,PA2098 P03,PA2099 P03,PA2100 P03,PA2101 P03,PA2102 P03,PA2200 P03 PA2201 P03,PA2203 P03,PA2250 P03,PA2251 P03,PA2918 P03,PA2919 P03,PA2920 P03,PA2921 P03,PA2922 P03,PA3000 P02,PA3001 P02,PA3002 P02,PA3007 P02.

Case Officer: Mike Walton Direct Tel. No. 07866039922 Recommended Conditions:

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 it contributes to the character and appearance of the area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021) and paragraph 2.4 of our Supplementary

Planning Guidance: Repairs and Alterations to Listed Buildings. (R27CB)

3 You must apply to us for approval of construction drawings at 1:10 with full size details of the following parts of the development - 1) All new doors and 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.

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 samples of floor coverings and details of the interior decorative schemes for the following spaces - 1) The secondary pool,3) The main reception area. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these samples and details.

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)

Informative(s):

1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT -

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

The City Council has had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and has decided that the proposed works would not harm this special architectural or historic interest; or where any harm has been identified it has been considered acceptable in accordance with the NPPF. In reaching this decision the following were of particular relevance: Policies 38, 39 and 40 of the City Plan 2019 - 2040 adopted in April 2021 and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

2 You must also get listed building consent to put up the advertisement. (I05AA) 23/02014/COLBC

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CITY OF WESTMINSTER				
PLANNING	Date Classification			
APPLICATIONS SUB COMMITTEE	11 July 2023	For General Release		
Report of		Ward(s) involved		
Director of Town Planning & Building Control		Hyde Park		
Subject of Report	Devonport, 23 Southwick Street, London, W2 2PR			
Proposal	Part demolition of the existing standalone garages and erection of two new dwellings (Class C3) over two storeys, landscaping works, air source heat pump equipment and other associated works.			
Agent	Miss Kathryn Tyne			
On behalf of	Church Commissioners for England			
Registered Number	22/07052/FULL	Date amended/ completed 26	20 October 2022	
Date Application Received	19 October 2022		26 October 2022	
Historic Building Grade	Unlisted			
Conservation Area	Bayswater			
Neighbourhood Plan	Not applicable			

1. **RECOMMENDATION**

Grant conditional permission.

2. SUMMARY & KEY CONSIDERATIONS

The site comprises a group of 5 existing single-storey garages set in the centre of the Devonport building complex. The site itself is not listed but lies within the Bayswater Conservation Area. The site is not visible from the street level (Sussex Gardens or Southwick Crescent) and is adjacent to a communal garden.

The existing garages are approached by car from a lower-level driveway that is accessed directly from Southwick Street to the north-east and Radnor Place to the south-west, via ramps. There are no public views of the garage site from the surrounding streets, and limited private views from the rear of higher floors in properties on Somers Crescent and Southwick Street. The area above the existing garages is accessible from the existing reception lobby of Devonport by foot. The nearest residential units are located on Somers Crescent, Southwick Street and within Devonport itself.

The application proposes the part demolition of the existing standalone garages and, utilising the floorplate/ retaining walls of the garage, the erection of two new dwellings (Class C3) over two storeys. Both units comprise 2 bedrooms at lower ground floor level and living areas and kitchens at ground floor garden level. The units have a small area of landscaping to the rear at lower ground floor level and to the front of the building, facing the communal gardens of Devonport at ground floor level. Access to the unit is proposed to be from the communal gardens of Devonport, using the reception/concierge area. Two trees are proposed to be removed, and landscaping works and tree replacement is proposed. Air source heat pumps are proposed for both units.

Minor revisions have been made to this application to de-link this application from proposals at Portsea Mews (discussed in the planning history section of this report) and to amend the access arrangements to the units. Re-consultation took place.

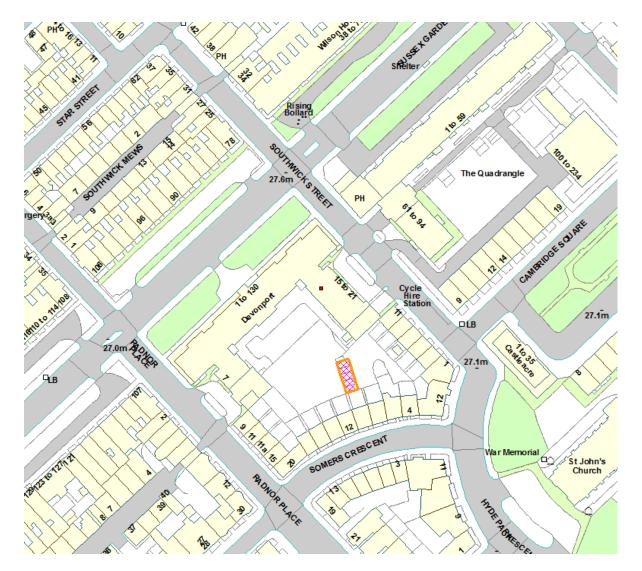
Objections have been received to the proposals from residents in Devonport and surrounding properties primarily on amenity grounds.

The key considerations in this case are:

- The acceptability of the proposed residential accommodation in terms of its, size, mix and accessibility.
- The acceptability of the energy performance of the proposed building.
- The acceptability of the proposed buildings in design terms.
- The impact of the proposed buildings on the character and appearance of the Bayswater Conservation Area.
- The impact on the amenity of neighbouring residential properties.

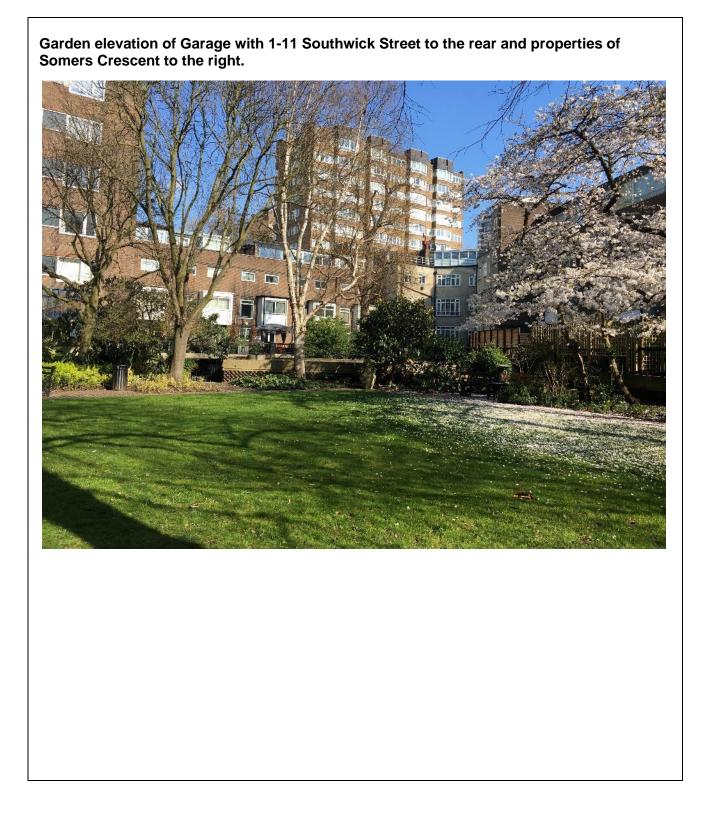
The application is considered to accord with the development plan in terms of land use, amenity, design, energy and trees/landscaping and the application is therefore recommended for approval, subject to the conditions set out in the draft decision letter appended to the report.

3. LOCATION PLAN



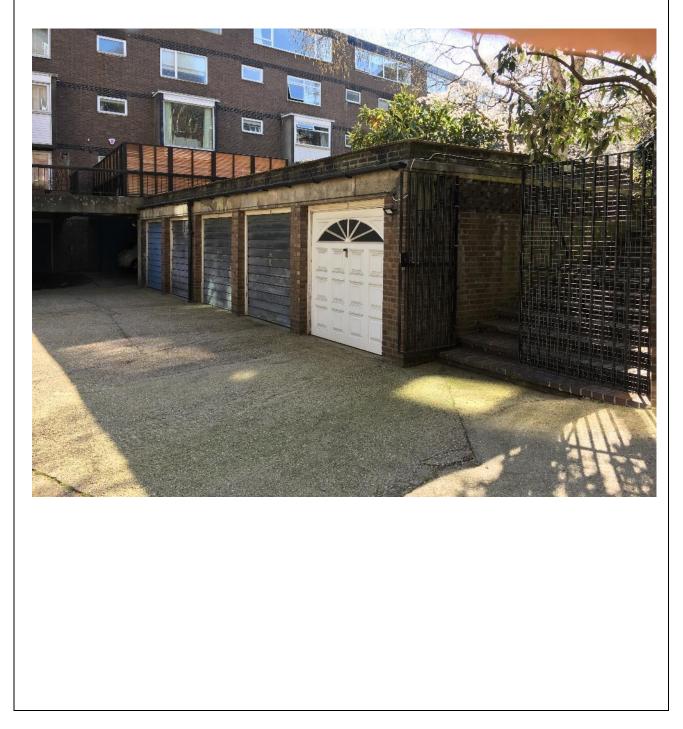
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4. PHOTOGRAPHS



Item	No.			
2				

Garages from rear driveways/ access. Somers Crescent properties to left of photo, communal garden to right of photo.



5. CONSULTATIONS

5.1 Application Consultations

COUNCILLOR DIMOLDENBERG & COUNCILLOR SOUTHERN

- Objection raised on the grounds that the communal garden is too small for the construction of two houses.
- The loss of two mature trees is unacceptable as the garden is currently a haven for birds,
- The proposed houses will be very close to existing homes and will present a blank wall to residents in Somers Crescent harmful to amenity.
- The noise from the proposed heat pumps will create unacceptable noise.
- The proposed entrance to the new houses requires the occupants and their visitors to walk through the garden and will result in the garden being used at night creating noise and disturbance.
- The upper floor will look directly on to the garden area reducing amenity to existing residents.
- Quality of the accommodation proposed is poor with the ground floor having no windows on three sides. and the fourth side will look out on to a well-used car park directly outside.
- It is the Church Commissioners intention to rent these flats and there are concerns that these flats will not provide long term homes for families.
- There is no doubt that the construction will take considerable time, during which the garden area will not be a pleasant place to sit and relax.

Councillor Dimoldenberg also forwarded on an objection from a local resident.

HYDE PARK ESTATE ASSOCIATION

Support given to the Portsea Mews development but the proposed units in the garden will impact on the privacy of existing residents using the garden; that privileged access to the garden is unacceptable and the new residential units will destroy the peace of the gardens.

A further objection from the association was received (from a different person) reiterating the concerns raised by Councillor Dimoldenberg and raising the following additional further grounds for objection:

- There is no direct access to the properties except through the gardens. How will visitors access the property? How will deliveries say: deliveroo; postal or other access the property.
- Is extra lighting for safe passage of future tenants needed?
- Light spillage into garden and adjacent properties.
- Bat protection.

HISTORIC ENGLAND

Not considered necessary to be notified of this application.

HIGHWAYS PLANNING MANAGER

No objections raised to loss of garages or provision of new residential properties. Details of the cycle storage need to be provided.

WASTE PROJECTS OFFICER

Objection raised on the details submitted. If the applicant intends on using existing facilities at Devonport then details of capacities needs to be given.

ENVIRONMENTAL SCIENCES No objection to the plant proposed. Suggested noise conditions attached.

ARBORICULTURAL OFFICER No objection subject to conditions.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 152 Total No. of replies: 22 No. of objections: 22 (on behalf of 20 properties) 1 Petition containing 68 signatures.

The objections received raised some or all of the following:

Land Use

- Two new homes are not going to create a material difference to housing provision/ social housing provision in Westminster and this should not be a reason to approve the scheme.
- The linking of the scheme to Portsea Mews development should not be justification for this poor development – if the Portsea Mews application fails, the proposals which result in the loss of the garden should not be the fallback position.
- The properties are going to be rented and therefore the homes proposed don't add to the permanent housing stock. Behaviour of renters is very different to that of an owner.
- There are so many empty homes that no more are needed.

Design

- Design and materials are shoddy, modern and bear to much of a resemblance to Devonport itself.
- The design is out of keeping with the conservation area.
- The new terraces to the units would attract unsightly furniture.

Amenity

- Loss of garden
- Access from the garden to the units is via a central stair in front of the building, implying the communal gardens will be 'theirs'.
- Overlooking into communal garden and therefore loss of privacy.
- Overlooking into adjacent residential properties.
- Noise from new tenants using the communal garden especially if they have children and pets.
- Noise from new tenants using the proposed terraces.
- Noise from new plant and floors.
- Loss of light to ground floor flats and garden.

- The top floor is taller than adjacent boundary fences and will affect light and view to neighbouring properties.
- The design and access falsifies that the scheme would only result in limited private views from adjacent properties.

Garden/ Trees

- Loss of 2 trees is unacceptable.
- There is no justification for the loss of the trees except 'to make way for the development'.
- The arboricultural report is biased toward the development and disingenuous in providing winter photos and provides a false magnification of the development.
- Loss of communal garden area unacceptable for housing.
- Loss of nature.

Other

- Access to the units from Southwick Street is only via the garden.
- Noise and disruption during works.
- Security from direct access of new residential units to garden from both new tenants and delivery people.
- Security concerns from new tenants accessing the new units.
- This is an attempt to make money from leaseholders the cost of garden upkeep is high.
- Negative impact on property values in Devonport.
- Freeholder/ leaseholder rights will be impeached the freeholder lease says 128 flats can access and enjoy the right of the garden.
- Granting permission may affect the owner's chance of acquiring the Right to Manage or the freehold of the block.
- It is unfair to upset 100's of residents for two families.
- What family would want to live here when there are 100's of residents not happy with their presence.

PRESS NOTICE/ SITE NOTICE: Yes

RECONSULTATION 12 APRIL 2023 (The consultation advised that the application had been de-coupled from the Portsea Mews applications, and that some amendments have been made and include the relocation of the stairs on the access terrace from a central staircase to one to the northern end of the terrace towards the stairs to Southwick Street).

HYDE PARK ESTATE ASSOCIATION: No further response received.

Item No. 2

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 152 Total No. of replies: 2 No. of objections: 2

2 responses received stating:

- The revisions to the main access stair to the units, to beside the units rather than into the communal gardens, still allows the proposed units direct access into gardens
- No one uses the gardens at night despite applicant's assertion and these two houses will still be able to easily access the garden resulting in noise
- The revised proposals do not respond to all the objections received.

5.2 Applicant's Pre-Application Community Engagement

The applicant confirms that Engagement was carried out by the applicant with the local community and that 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 applicant confirms that they circulated details of the proposed scheme to the existing residents of the Devonport complex for their feedback in two separate rounds of consultation (although details of this have not been provided). The applicant confirms that there were a small number of responses to the initial consultation (again details of this have not been provided) and the main concern that was raised was the relationship between the new dwellings and the adjacent area of communal lawn. Specifically, the concern was the potential for the residents of the two new dwellings to extend their private terrace. The applicant noted that there are several properties in the Devonport complex who already have direct access onto the communal garden, but revised the scheme to provide a more clearly delineated threshold between the shared spaces of the communal lawn and existing pathways around the gardens. Further concern was also raised from residents in Southwick Street to the loss of their view of the communal gardens. Whilst the applicant considered these views limited a green roof to the new bulk and massing was proposed to provide a more pleasant outlook and additional planting was included in the scheme.

The applicant's cover letter and other application documents confirm that the scheme has been revised in response to views and representations expressed during preapplication community engagement, although objections still remain.

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 comprises a group of 5 existing single-storey garages set in the centre of the Devonport building complex. The site itself is not listed but lies within the Bayswater Conservation Area. The site is not visible from the street level (Sussex Gardens or Southwick Crescent) and is adjacent to the communal garden of the Devonport flats.

The existing garages are approached by car from a lower-level driveway that is accessed directly from Southwick Street to the north-east and Radnor Place to the south-west, via ramps. There are no public views of the garage site from the surrounding streets, but there are private views from the Devonport flats, plus the rear of higher floors in properties on Somers Crescent and Southwick Street. The area above the existing garages is accessible from the existing reception lobby of Devonport by foot.

The nearest residential properties are those with the Devonport block of flats themselves; the 5 townhouses at 3-11 Southwick Street and the townhouse of 8-12 Somers Crescent, all of which are part of the original post war development. The townhouses of Southwick Street and Somers Crescent all have a uniform appearance from front to the rear, with a raised patio garden at rear ground floor level, which forms a roof deck for a covered area of off-street parking, including the garages subject to this application, located below at lower ground floor level. The parking is accessed via a secure gated underpass, located under the block to the north (adjacent to No 9).

7.2 Recent Relevant History

None relevant to the garages.

Portsea Mews - 22/06901/FULL & 22/6902/LBC

Demolition behind the retained facade and alterations to the existing buildings, replacement floorspace and extension at roof and ground floor level (through the introduction of glazed infills); excavation of a new basement, to create Office (Class E) accommodation and improved residential accommodation (Class C3) within Portsea Mews; creation of new internal link at ground floor to 8 Porchester Place, new shopfront to 8 Porchester Place, repair of facades and other associated works. Associated listed building works.

Granted permission June 2023 by the Planning Committee.

It was originally proposed that the 2 units sought under this current application would be the off-site provision for the scheme at Portsea Mews as there was a shortfall in residential accommodation and the schemes were to be linked. The proposals are no longer to be linked and this current application is being assessed on its own merits. A number of comments from objectors refer to this linking.

8. THE PROPOSAL

The application proposes the part demolition of the existing standalone garages, utilising the floorplate/ retaining walls of the garage for the erection of two new dwellings (Class C3) over two storeys. The new bulk and massing comprises an extension at ground floor level, atop the existing garage structure and this measures 13m in width (the same as the garage structure below); 9.1m in depth (some 2.9m deeper than the garage structure below) and 3.3m in height.

Both units comprise 2 bedrooms at lower ground floor level and living areas and kitchens at ground floor garden level. The units have a small area of landscaping to the rear at lower ground floor level and to the front of the building, facing the communal gardens of Devonport at ground floor level. Access to the unit is proposed to be either from the communal gardens of Devonport, using the reception area, or from within the driveway/garage access, both accessed from Southwick Street. Two trees are proposed to be removed, and landscaping works and tree replacement is proposed. Air source heat pumps are proposed for both units.

Minor revisions have been made to this application to de-link this application from proposals at Portsea Mews (discussed in the planning history section of this report) and to access arrangements. Re-consultation took place.

9. DETAILED CONSIDERATIONS

9.1 Land Use

Loss of Garages

The garages, according to the applicant, are either vacant or used for storage purposes only. There are no City Council policies which seek to protect car parking of this nature and Policy 27 states 'where sites are redeveloped, existing parking provision must be reduced to meet the parking standards as set out in the London Plan'. Therefore, the loss of the private garage car parking is considered acceptable.

Proposed Residential Accommodation

As noted above, a number of objections have been received on the grounds that if the 2 residential units were proposed to make the application at Portsea Mews acceptable, then this too is unacceptable given the harm the 2 new units will cause to the amenity of residents of Devonport and surrounding properties.

Now that the application is no longer linked to the proposals at Portsea Mews, the proposals for 2 new residential units are to be assessed on its own merits.

Further objections have been received on the grounds that 2 residential units will not add to the housing stock of Westminster, noting that they are proposed to be rented and not for social housing, and that there are so many empty properties in the vicinity. The objectors concerns are that there is additional harm caused by the proposals, as set out above and discussed below, which is not outweighed by the benefits of 2 residential units.

The principle of any new housing is supported by Policy 8 of the City Plan (April 2021) and in place of this garage accommodation is considered to be an innovative delivery of housing compliant with Policy 11. Therefore, the objections can not be sustained.

The two, 2 bed (4 person) houses measure 90m each and whilst slightly larger that than Technical Housing Standards size of 79m2, are utilising the floorplate/ retaining walls of the garage which is dictating the bulk and massing. The proposed houses are fully compliant with the Technical Space Standards for bedroom sizes. The bedrooms are proposed at lower ground floor level with the living accommodation proposed at ground floor level. All rooms have natural light. The bedrooms facing the driveway will be lit with full height sliding doors, leading to a small terrace and the bedrooms facing the garden will be lit by high level clerestory windows (so as to not result in overlooking or being overlooked) and an internal glazed floor rooflight. At ground floor level, high level clerestory windows are proposed to the driveway elevation and this serves the kitchens and a WC, and there are full height sliding doors to the living accommodation which access the small terrace/ walkway. A daylight assessment has been submitted with the application which demonstrates that the internal levels of daylighting to the new residential units comply with the BRE guidelines with respect to the ground floor living areas. Regrettably the bedroom windows to both properties do not comply with the guidance but this is due to the nature of the site, the purposing of the garages shell and the design of the windows overcoming both amenity concerns to nearby residential occupiers, and the expected amenity of the future occupiers. On balance and given that the living areas are fully compliant, and exceed the BRE guidance, the proposals are

considered acceptable. In terms of sunlight, all rooms except the two lower ground rear bedrooms comply with the BRE guidance. Again, for the reasons above, this is considered acceptable and does not justify refusal of the application. The units both have private amenity space at lower ground level off one of the bedrooms and at the ground floor, a shared terrace which spans the width of the development and this measures approximately 11m2 for each house. Accordingly, the proposals are considered to offer a good standard of accommodation and are considered to comply with Policy 12 (Housing quality).

9.2 Environment & Sustainability

Sustainable Design & Energy Performance

The proposals are providing high quality additional residential floorspace to the existing property. The applicant advises that sustainable and sustainability sourced materials will be used wherever possible. The extension atop the existing garage structure will have good insulation and the windows will have sound thermal energy performance. Two air source heat pumps are proposed which are an energy efficient measure.

The proposals are therefore considered to comply with Policy 36 (Energy Performance) and 38D (Design Principles) of the City Plan and the guidance as set out in the 'Energy' and 'Retrofitting and Sustainable Design' sections of the ESPD.

Whole Life Carbon

The proposed scheme is a minor development and therefore a Whole Life Carbon Assessment is not required.

Circular Economy

Whilst Policy 37C states that developers are required to demonstrate the recycling, reuse and responsible disposal of construction, demolition and excavation waste, the scheme is not major application, therefore the applicant is not obliged to comply with the Circular Economy policies. In any event, there is little to be demolished except internally within the garages.

Flood Risk & Sustainable Drainage

The site does not lie within a surface water flooding hotspot. However, measures to reduce the risk of surface water flooding include the planting and green/wildflower roof and a rainwater harvesting tank (to be sited adjacent the proposed air source heat pumps beneath the under croft driveway). The proposals are in accordance with policy 35 (Flood risk) and will help protect receiving waters from pollution and minimise the risk of flooding and other environmental damage.

Light Pollution

Whilst there are windows to the front and rear elevation and a number of rooflights, these are well proportioned and not considered to result in significant lighting which could affect wildlife in the garden. The proposals are considered to comply with Policy 33(B). Local environmental impacts

Environment & Sustainability Summary

For a development of this size and nature it is considered that the proposal meets the City Council's environmental and sustainability policies.

9.3 Biodiversity & Greening

Objections have been received on the grounds of lack of biodiversity, harm to nature from the development and the removal of the trees. The tree issues are discussed in part 9.8 of this report.

Policies 7 and 34 within the City Plan 2019 - 2040 states that developments will, wherever possible, contribute to the greening of Westminster, and that they should achieve biodiversity net gain wherever feasible and appropriate including maximisation of habitats for priority species.

A green wildflower roof is proposed to the new dwellings and this will incorporate a rainwater harvesting system. This green roof is welcomed and details of the maintenance of the wildflower roof will be secured.

A climbing plant screen is also proposed to the northern driveway elevation at lower ground floor. Whilst this is welcomed in principle, and for the amenity of future occupiers is desirable, as these plants may be growing in planters details of the design, irrigation, plants and maintenance should also be secured.

In the applicant's statement it is proposed that insect, bee and bat boxes are installed at roof level. These are not shown on the proposed drawings and therefore whilst welcomed, details will be secured by condition.

It is not considered that the development of the existing garage structure and the extension atop this will harm the biodiversity of the garden. Whilst there are windows to the front and rear elevation and a number of rooflights, these are well proportioned and not considered to result in significant lighting which could affect wildlife in the garden.

The proposals are considered to comply with Policy 7 and 34.

9.4 Townscape, Design & Heritage Impact

Site and Significance

The site is not listed and, as noted by the architect's assessment, is generally ignored by the Conservation Area Audit, other than it being one of a number of such postwar redevelopments in this part of the Church Commissioners' Hyde Park Estate. This collection of post-war housing blocks is of some interest in terms of how the area developed after World War 2, and whilst tastes may vary, the scale and layout of the blocks is generally respectful of the local historic context.

The open gardens are an integral component of the design of the Devonport and Somers Crescent development, providing shared private amenity space, with garage blocks set at a distinctly lower level to maintain the open character of the gardens.

The garage area is set lower than the gardens, and is significantly more functional in character with concrete surfacing and brick and concrete walling creating a somewhat oppressive environment, in stark contrast to the pleasant verdant character of the gardens at the upper level. The (raised) level and open character of the gardens and their definition from the more functional lower garages, is an important component of how this mini estate was designed.

Legislative & Policy Context

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

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

Policy 39 of the Westminster City Plan 2019-2040 (April 2021) requires development to conserve features that contribute positively to the settings of conservation areas and take opportunities to enhance their settings, wherever possible.

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. This applies whether or not a site is formally designated.

Chapter 16 of the NPPF clarifies that harmful proposals affecting listed buildings and conservation areas (and other designated heritage assets) should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

The Proposals and their Impacts

As noted above there are objections to the detailed design of the new houses and comments are made to the materials being shoddy and modern, which bear to much of a resemblance to Devonport itself and that the design is out of keeping with the conservation area.

The pair of new dwellings, each set over two-storeys would be built from the existing concrete ring and retaining walls that form the main envelope of the garages, building a new façade at the lower (driveway) level slightly further into the driveway than existing (but maintaining sufficient width for two way traffic), above which a new upper storey would be added at garden level, cantilevering out over the parking area. The new ground floor would be a timber clad structure. This would represent a new and sizeable built addition at this upper level which is otherwise generally open in character. However, the proposal with this additional bulk and massing is designed in a generally sensitive manner to the 20th century design of the development and would appear to sit comfortably within its landscaped setting. Repeating the concrete beam aesthetic would respond positively to the strength of the existing architecture around the wider development, whilst the use of timber cladding would provide some naturalisation of the design with the landscaped character of the gardens.

Whilst the upper storey would be visually evident at garden level, it would not seem to be out of place, appearing almost like a communal or 'lodge-like' building such as one might expect of a development of this type. The proposed material choices are all taken directly from, and in keeping with, the existing palette forming the context of the scheme. While the neighbouring buildings are predominantly brick, they also feature timber cladding to the feature bay windows and so this material choice is in keeping with the context of the surrounding area. The new timber block will sit above the retained brick base at the lower level for further material continuity with its surroundings in accordance with Policy 38 and 40 of the City Plan. The vertical timber cladding will be in untreated oak, so that it will quickly weather to a silvery grey to blend more directly with the existing mature trees in the communal garden, it is therefore considered to have minimal effect on the view out of these gardens or on their enclosure and sit comfortably within the surrounding trees. Detailed design elements such as painted front doors; canopies over the front doors and main garden elevation windows allow for legibility of these properties as two separate residential properties which is considered to eliminate concerns of conflict between private and shared spaces. The replacement tree planting and landscaping also provides a suitable buffer between the new houses and the gardens.

Overall, the proposals are considered to preserve and enhance the surrounding buildings and the character and appearance of the Bayswater Conservation Area. This would meet Policies 38, 39 and 40 of the City Plan 2019 – 2040.

9.5 Residential Amenity

Development that could result in a change to the amenity of neighbouring residents must be found to be in accordance with policy 7, 33 and 38 of the City Plan 2019 - 2040. Policy 7 seeks to prevent unacceptable impacts in terms of losses of daylight and sunlight, privacy and increases in sense of enclosure and overshadowing. Policy 33 aims to minimise local environmental impacts of development. Policy 38 C also seeks to reduce the opportunity for crime and anti-social behaviour, promoting health, well-being and active lifestyles through design and ensuring a good standard of amenity for new and existing occupiers.

A number of objections have been raised on amenity grounds relating to the loss of garden which is described as a "calm oasis" to existing owners/tenants, loss of light, sense of enclosure, overlooking, noise from the use of the new dwellings, noise from plant and the provision of direct asses to the communal gardens.

Daylight & Sunlight

The existing garage is to be adapted with an extension above to create the two storey houses. The extension measures the width of the existing garage structure at lower ground level of 13m. The ground floor extension measures 9.1m in depth (compared to the existing lower ground floor structure of 6.2m) as this incorporates an overhang over the driveway to the rear and is 3.3m in height with a flat roof.

The bulk and massing of the new extension would be approximately 9m away from the nearest residential properties in Devonport, north of the proposals; 23m away from 3-11 Southwick Street to the north east; and 7.5m away from the rear windows of 8-12 Somers Crescent, to the south of the site. The proposals abut the elevated ground floor terraces of 8-12 Somers Crescent, extending 1.5m above the existing terrace fencing of 10 Somers Crescent.

A daylight and sunlight assessment has been submitted with the application and this has assessed the following properties:

- 15-21 Devonport
- 1-11 Southwick Street
- 1 Hyde Park Crescent
- 4-12 Somers Crescent

*As a point to note, a single storey ground floor extension is shown on the assessed plans for 7 Southwick Street. This extension is unauthorised; has been refused planning permission and is subject to enforcement proceedings.

The report demonstrates that there are no losses of daylight to any of the properties assessed.

In terms of sunlight, it must be remembered that only properties which have a window facing due south of the application proposals are required to be assessed. Therefore only 15-21 Devonport and 1-11 Southwick Street need be assessed. There are no losses to any of the properties assessed.

It is therefore considered that the proposals are wholly acceptable in terms of daylight and sunlight and the objections on this ground cannot be sustained,

In terms of overshadowing, the report identifies that there will be no overshadowing to neighbouring properties' gardens and the communal garden and the objections on this ground cannot be sustained.

Sense of Enclosure

The most affected properties in terms of sense of enclosure are the properties south of the application proposals in Somers Crescent but notably No.10. The proposed extension is 7.5m away from their rear ground floor windows (which from records available to the Council comprise a kitchen/ dining area), at the rear of their ground floor terraces. To No.10 there is already a timber fence to the rear of the terrace, abutting the application site. The extension will measure 1.5m above this fencing, at a width of 9.1m. Whilst this extension will be wholly visible from this property and the adjacent Somers Crescent properties, it is not considered that this bulk and massing would result in such a harmful sense of enclosure to warrant refusal.

Given the height of the additional bulk and massing and the distance to the Devonport and the Southwick Street properties, the proposals are not considered to result in any harmful sense of enclosure.

Loss of Privacy

Bedrooms are proposed at lower ground floor level with the living accommodation proposed at ground floor level. The bedrooms facing the driveway will be served by full height sliding doors, leading to a small terrace, to be obscured by climbing planting and the bedrooms facing the garden will be lit by high level clerestory windows (so as to not result in overlooking or being overlooked) and an internal glazed floor rooflight. Given these windows are high level and that they face the driveway there are no concerns with regards to overlooking. At ground floor level there are again high level clerestory windows to the rear elevation facing the driveway, which serve the kitchen areas, and one in the northern elevation facing Devonport, serving the entry corridor. There are no windows in the southern elevation facing Somers Crescent properties. Therefore, given that these windows are high level prohibiting any meaningful views and are primarily for lighting purposes, there are no concerns with regards to overlooking to the windows of surrounding properties. Whilst there are a number of rooflights proposed these offer views upwards to the sky.

To the front elevation of the development there are sliding patio doors to each house serving a living area and providing access to their terrace. In order to maintain privacy for both the dwellings and users of the communal gardens, the windows facing towards the communal garden will be blocked from any direct views to or from the lawn by a fulllength cantilevered balcony with a solid timber balustrade. Planting is proposed as a buffer between this balustrade and the existing communal garden.

The proposals are not considered to result in any harmful overlooking to adjacent properties or to cause harmful overlooking onto the communal gardens.

As a point to note, objectors contend that views into the communal garden are not experienced elsewhere and users of the garden experience privacy to enjoy this peaceful area. Despite the mature landscaping to the communal gardens, they are already heavily overlooked by the windows to the flats of Devonport; and the properties of Southwick Street and Somers Crescent and it is not considered that the creation of two new units would significantly alter this overlooking and for that reason this objection cannot be sustained.

Noise & Vibration from Plant

Objections have been received to the siting of two air source heat pumps under the undercroft adjacent the lower level of the properties, which is under the terrace/ garden area belonging to 10 Somers Crescent. The objections relate to the assessment of the proposals and that a revised acoustic report was submitted identifying 12 Somers Crescent as the nearest noise receptor and from general noise associated with air source heat pumps.

The acoustic report submitted with the application was revised during the course of the application at the request of the Environmental Sciences Officer to provide the actual noise calculations and details regarding the distances from the proposed air source heat pumps to the nearest noise receptors so that a full assessment could be made. As a point to note, although the plant is sited under the terrace/garden to 10 Somers Crescent, as this is shielded, 12 Somers Crescent is considered the nearest receptor.

The Environmental Sciences Officer considers that the proposed air source heat pumps will not cause any detrimental harm to the nearest residential properties at 10-12 Somers Crescent in terms of noise. Standard compliance noise conditions are recommended.

Noise from New Residential Units and Use of Garden

Concerns are raised that future occupiers would create unacceptable levels of noise from internally within their living room if the doors are open; from the terraces and at night-time if the future occupiers access the garden, when existing residents do not use the garden at night-time.

Given the size of the two new units and the size of the terraces proposed to the front, it is not considered that unacceptable levels of noise would be generated. It is unlikely that an increase in 8 people (the flats are 2 bed, 4 person homes), using the communal garden will result in such an increase in noise so as to be noticeable. The Devonport complex has a management company and should there be any future unacceptable behaviour/ parties etc resulting in excessive noise it is considered that the concerns can be dealt with in this manner.

Responding to the issue specifically of night-time garden use, the applicant confirms that the use of the gardens is not permitted after 9pm and that this, whilst not governed by the lease itself, this does form part of the formal garden rules. The applicant has advised that any future occupiers of the new residential units will also have to abide by this. Not using the garden after 9pm seeks to ensure that the amenity of residents is not disturbed unreasonably.

Amenity of Proposed Units

Given the proposed balustrading to the front terrace and associated planting; the treatment to the lower ground floor elevations and the sound insulation proposed to the existing fabric and new extension, it is not considered that the future occupiers would experience any detrimental overlooking or noise from users of the communal garden, or noise from vehicles using the driveway.

Amenity Conclusion

For the reasons set out above, the proposals are considered acceptable in amenity terms and comply with policies 7, 33 and 38 of the City Plan.

9.6 Transportation, Accessibility & Servicing

Loss of garage carparking

As noted in the land use section of this report, there are no City Council policies which seek to protect car parking of this nature.

Highway Impact

Whilst car ownership and reliance is discouraged, it is not considered that the creation of two new dwellings would create a harmful demand on the existing highway and parking network.

The ground floor extension is wider than the lower ground garage structure and will overhang the garage. This does not impact on the clearance for two way traffic in the driveway.

Cycle Parking

Four cycle parking spaces are proposed in accordance with the London Plan 2021 and Policy 25 of the City Plan. These additional spaces will be located within the existing

cycle store which the new residents will have access to. A condition to ensure these are provided is recommended.

Servicing and Waste & Recycling Storage

The Devonport development has a managed system for waste and recyclables collection and the new units will be incorporated into this scheme. Each unit in the complex has a small dedicated waste and recyclables cupboard adjacent to the unit entrance, accessible from the common parts, and waste/recycling left here is collected on a twicedaily basis by maintenance staff. The waste and recyclables are then transferred to one of three waste rooms within the complex with large recycling bins also accessible from the street at both the Radnor Place and Southwick Street pedestrian entrances. Waste is collected from the site thrice-weekly, and recycling twice-weekly.

The new dwellings will be incorporated into this scheme, and the plans for the proposed units show the dedicated waste and recycling collection cupboards adjacent to the front entry/steps to each unit to facilitate access by both maintenance staff and residents. Each cupboard will contain at least 2x 44L type waste and recycling containers, and additional waste/recycling streams will be accommodated in under-sink mounted bins within the kitchen in each unit.

The City Council's Waste Project Officer would like further details of the capacities of the existing development to ensure that the proposals can be accommodated and that food storage provision is made. This is not considered necessary given the proposals are for two residential units and that the applicant has advised that there is no food waste collection for the whole Devonport complex.

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 also supporting local employment and services.

9.8 Other Considerations

Arboricultural Matters

Numerous objections have been raised to the proposed loss of the two trees proposed; that there is no justification for the loss of the trees except 'to make way for the development'; that the arboricultural report is biased and that the report is disingenuous in providing winter photos and providing a false magnification of the development.

As a point to note, officers have carried out site visits to the gardens in both winter and summer and fully aware of the seasonal changes and don't just consider the photo renderings on face value.

Loss of Trees

Two trees are proposed for removal. These are one Loquat (T1) and one Silver Birch (T2). The Loquat is a very small tree with limited amenity value. The Silver Birch is an

attractive, mature tree, which at this time does makes a positive contribution to the communal gardens. However, it would be too close to the proposed new building and so it would not be realistic to retain it within the development. The City Council's arboricultural officer inspected the Silver Birch, T2, in March 2022 and observed a cavity in the trunk, which extended about 20cm downwards. Further investigation would be required to fully assess the impact of the cavity on the structural integrity of the tree. However, it is a significant defect and would be likely to reduce the lifespan of the tree and therefore in this instance subject to suitable replacement the loss of this Silver Birch is, on balance, acceptable.

There are another two trees which area also very close to the proposed building. These are T3 and T4, two Whitebeam. The proposed terrace will be within the RPA of T3, but no details have been submitted regarding the foundation design or construction methodology and this is to be secured by condition.

The proximity of these trees to the building could lead to complaints about shading and debris and perceived risk of tree failure from the future residents and therefore could lead to pressure to excessively prune or remove the trees. However, the relationship between these trees and the proposed dwelling would not be exceptionally close.

Replacement Tree Planting

Three new trees are proposed in order to replace the screening and amenity value currently provided by the birch T2, and to a lesser extent the Loquat T1. The proposed replacement tree species are two types of birch: Betula albosinensis (Chinese Red Birch) and Betula albosinensis 'China Ruby' (China Ruby Red Birch). The application includes an image of 'Replacement Tree Renderings', which shows the trees as young specimens, however in maturity they would be much larger than seen in this image. The arboricultural officer is not convinced of the merits of planting 3 birch trees in this location, or of planting two different birch species in a 2:1 ratio. They do however appreciate the intention to provide screening and to replace the environmental and amenity value of the Silver Birch but consider that a single specimen tree in this location, with some lower level screening, would be preferable.

To this end, no objections are raised to the loss of the two trees, subject to suitable replacements and this is to be secured by condition.

Bats

Objectors have raised concern in relation to bats, but do not explicitly state that there are bats or roosts present in this location.

All bats species and roosts are legally protected in England under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations (2017 and it is a criminal offence to disturb a roost, damage or destroy a place used by bats or obstruct access to a bat roost. The applicant will be made aware of this by informative and should any bats or roosts be found during works, they will have to stop works to investigate further.

Access to new houses and communal garden

Access to the new houses will be via the main reception of Devonport and through the communal garden to the steps leading to the front terrace and entrance doors. Objection

has been raised to this but it is considered appropriate that this is the main access to the properties rather than from the rear driveway accessible from the car barriers/gates of Southwick Street.

Originally it was proposed that the entrance steps from the garden to the new houses was in the centre of the front elevation. In response to objections which outlined that 'this implied the communal garden was their private garden because of the easy access', the steps have been relocated to the northern end of the building, but still from the communal gardens. This is deemed acceptable. It should also be noted that a number of the existing ground floor flats have direct access from sliding doors onto the communal gardens and walkways, with no restrictions in the lease as to their use and the proposals are considered to be no worse.

Noise and Disruption During Works

Objections have been received on the grounds of noise and disruption during the course of works, especially to the calm oasis of the garden. An application cannot be refused on the grounds of noise and disruption during the course of works. The Council's standard hours of working condition is recommended which are Monday to Friday 8am-6pm and Saturdays 8am-1pm. An informative is also recommended advising the applicant to sign up to the Considerate Constructors scheme.

Security & Deliveries to New Houses (Post, Amazon, Deliveroo etc)

A number of objections have been received on the grounds of security from those new occupiers, their access to the existing flats and the communal gardens, and from delivery people such as Amazon and Deliveroo etc. The applicant has confirmed that all postal/ Amazon deliveries etc to the new residential use will operate in accordance with the existing situation which is for these to be made to the reception/concierge area and then collected by the resident. In terms of Deliveroo etc, drivers are currently asked to sign in at reception and then deliver directly to the flat and this is proposed to be allowed to the future occupiers of the new units. It is not considered that the occupiers of these new homes would pose a risk to security of the Devonport complex over and above any other tenant of this complex or that the delivery procedures which are the same for those as the rest of the complex are unacceptable in terms of noise and disturbance.

Freeholder/ Leaseholder Matters

As noted above objections have been received on the following grounds: this is an attempt to make money from leaseholders when the cost of garden upkeep is already high; freeholder/leaseholder rights will be impeached as the freeholder lease says only 128 flats can access and enjoy the right of the garden and the granting of permission may affect the owner's chance of acquiring the Right to Manage or the freehold of the block.

Whilst all of these concerns are noted, and valid to the existing occupiers of Devonport, these are all private matters and are not considered material in the determination of this application.

Impact to Property Values

This is not a material planning consideration.

9.9 Environmental Impact Assessment

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

9.10 Planning Obligations & Pre-Commencement Conditions

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

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

During the course of this application a notice was served relating to the proposed imposition of a pre-commencement condition to secure the applicant's adherence to the submission of details relating to tree protection measures. The applicant has agreed to the imposition of the condition.

10. Conclusion

The proposals are considered acceptable in land use, townscape, design and conservation, amenity, highways and environmental terms mindful of policies 7, 13, 18, 28, 29, 33, 38, 39 and 40 of the City Plan 2019-2040 and therefore, a recommendation to grant conditional permission would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: IAN CORRIE BY EMAIL AT icorrie@westminster.gov.uk

Item	No.	
2		

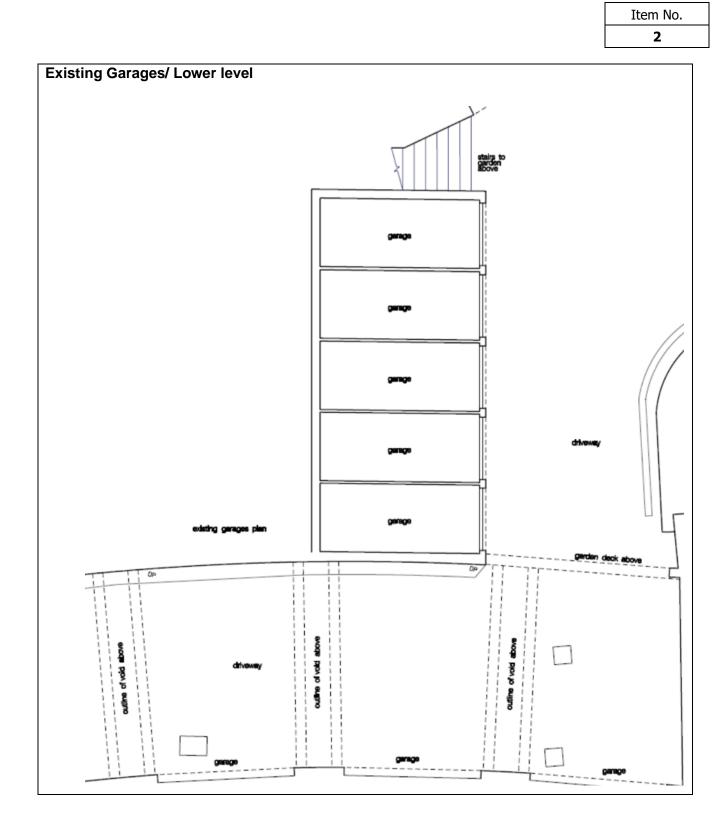
11. KEY DRAWINGS

Existing Garage Deck

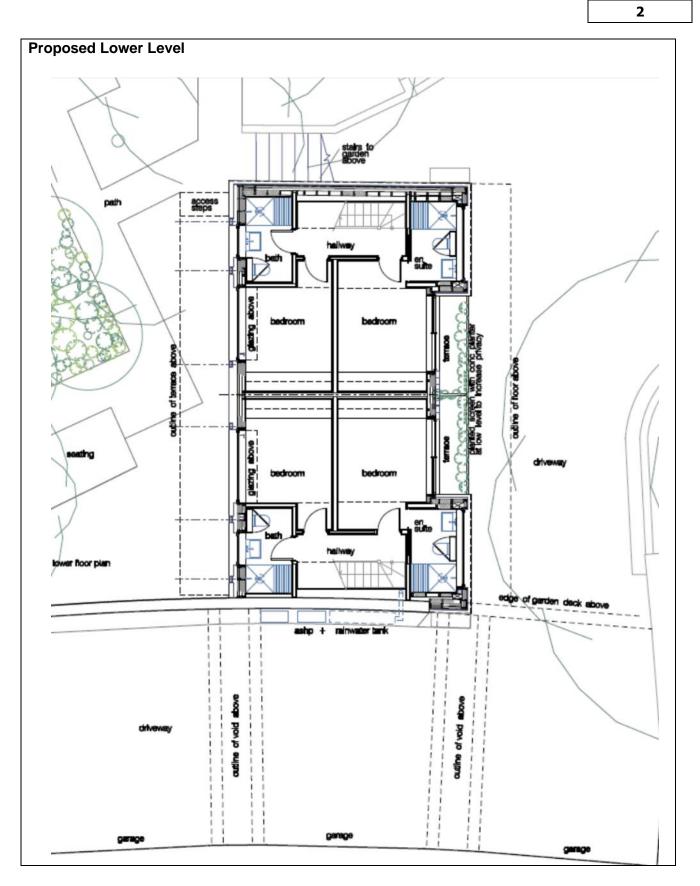




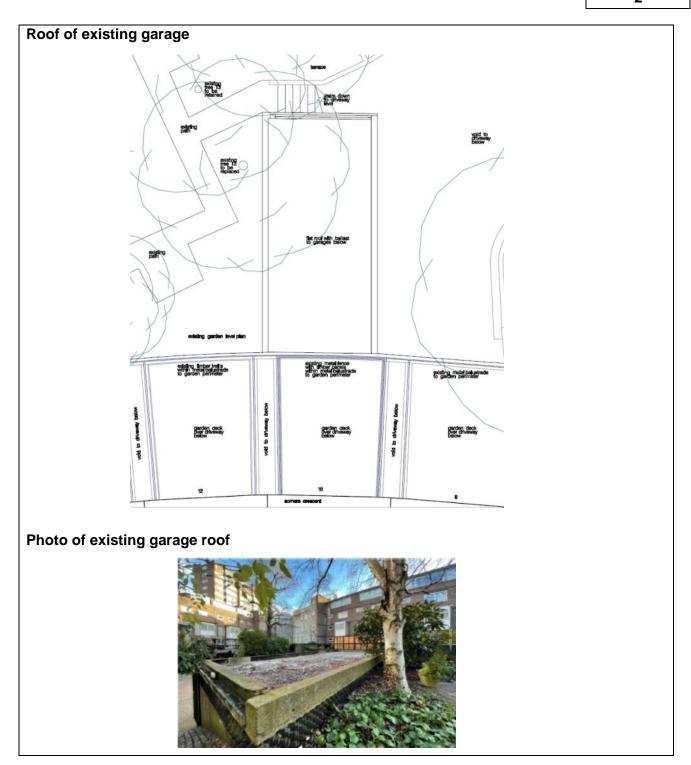


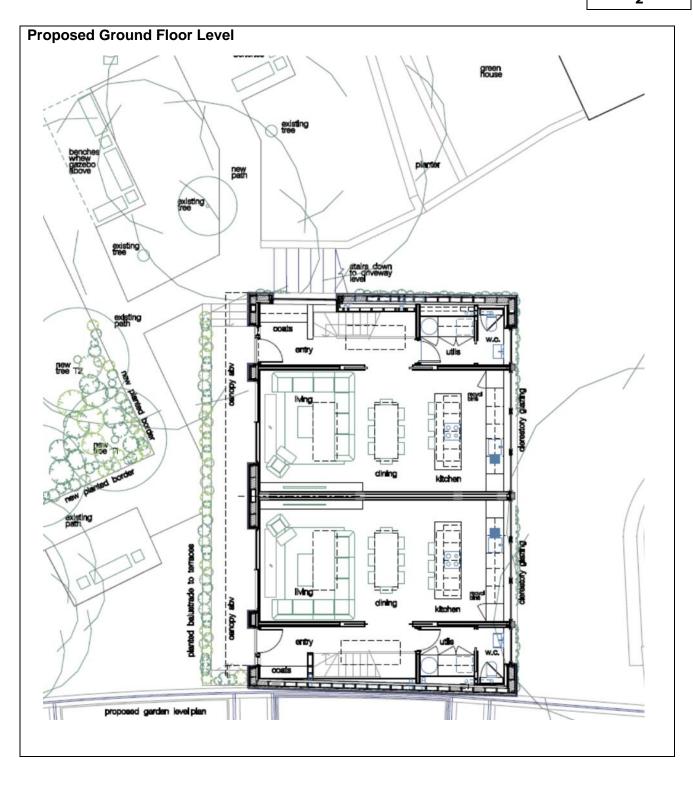


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Item	No.		
2			

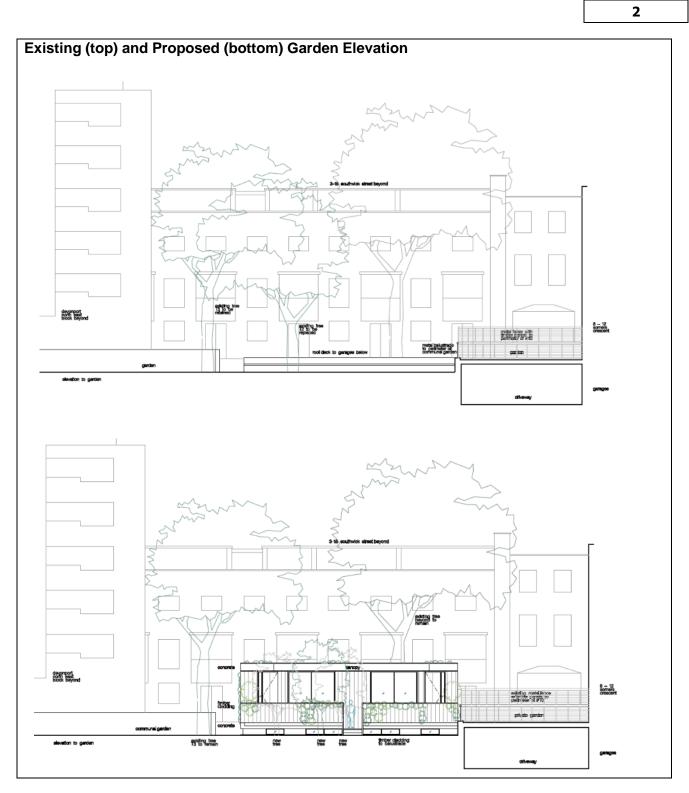




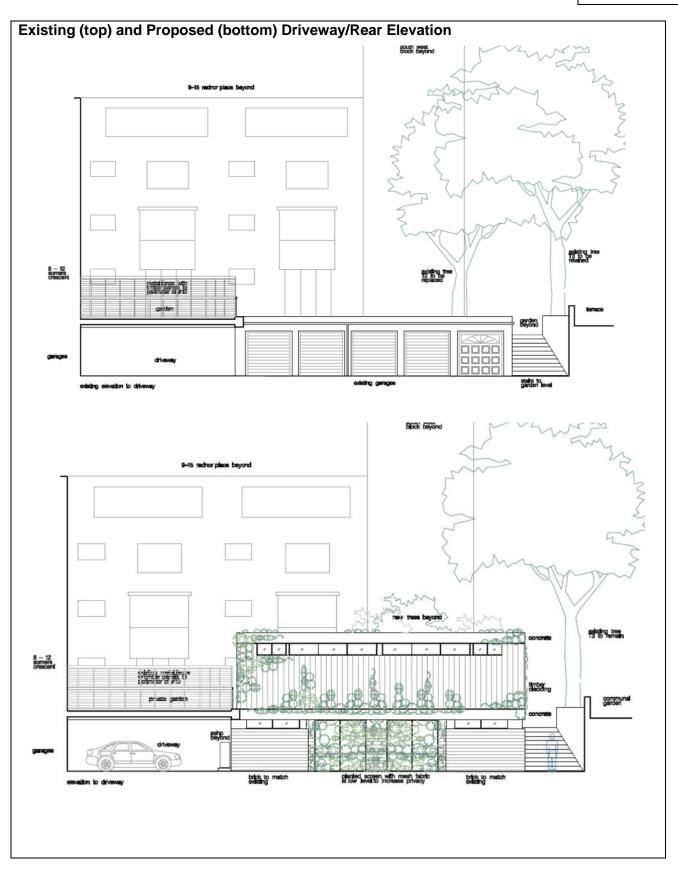
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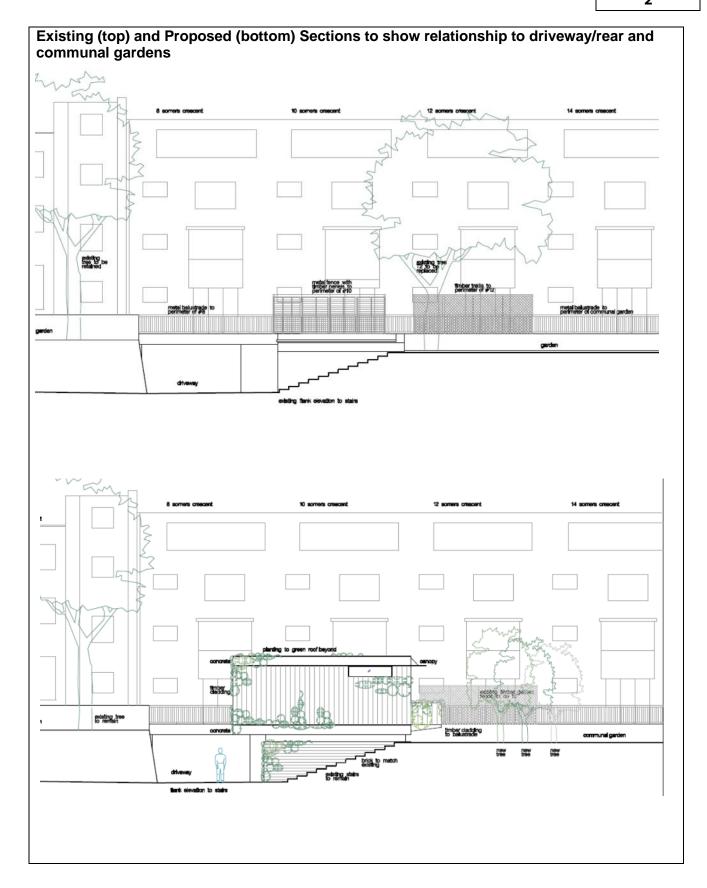


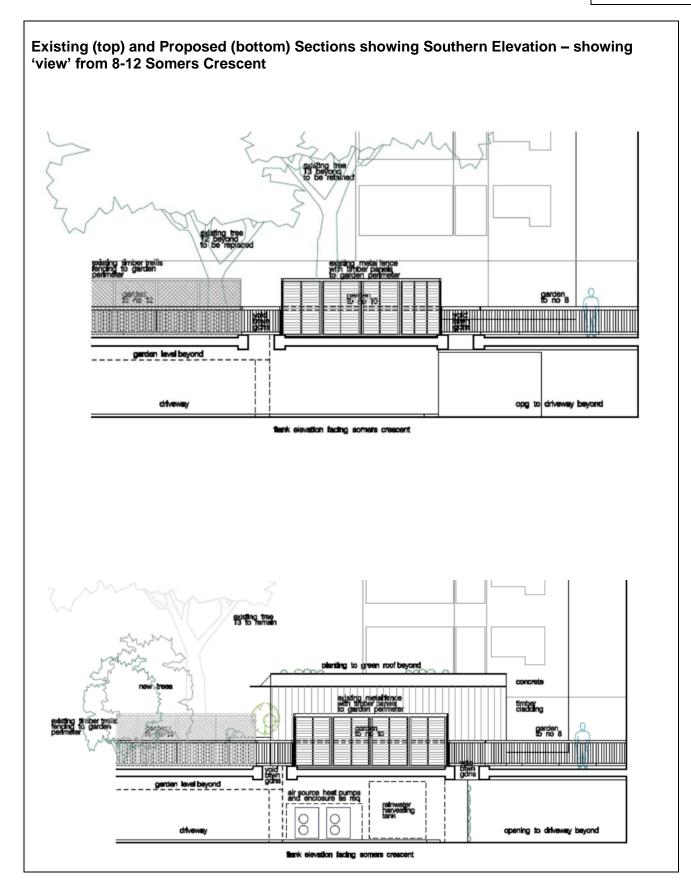












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Photos of Existing Cycle Storage and Refuse Facilities (taken from applicant's submission)





DRAFT DECISION LETTER

Address: Devonport, 23 Southwick Street, London, W2 2PR

Proposal: Demolition of the existing standalone garages and erection of two new dwellings (Class C3) over two storeys, landscaping works, air source heat pump equipment and other associated works.

Reference: 22/07052/FULL

Plan Nos:dpg lp 001_00; pl x d 001; pl x d 002; e x d 001; e x d 002; e x d 003; s x d 001; pl x
000; pl x 001; pl x 002; e x 001; e x 002; e x 003; e x 004; s x 001; scg sp 001 B; pl
000 B; pl 001 C; pl 002 C; pl 003 C; e 001 C; e 002 B; e 003 C; e 004 B; s 001 B;
dpg se 001 B; scg se 002 B; , , For Information Only:, 3d Massing models dated 20
Sept 2022; Renderings dated 20 September 2022; Daylight, Sunlight,
Overshadowing Report dated 15 December 2021; Transport Note dated 4 April
2022; Arboricultural Planning Report dated 19 August 2022 Rev 1; Design and
Access, Sustainability and Heritage Statement dated 7 February 2023.

Case Officer: Kimberley Davies

Direct Tel. No. 020 7641 07866036948

Recommended Condition(s) and Reason(s)

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

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

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

Reason:

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

3 You must apply to us for approval of a detailed written and photographic specification for the facing materials you propose to use, including glazing and hard-landscaping. This should include annotated versions of the approved elevations and roof plans showing the usage of each of your proposed materials, and a record of a minimum 1sqm trial panel(s) of fully finished brickwork prepared on-site for our inspection. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

Reason:

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

4 You must apply to us for approval of further details of the following parts of the development:

(a). Overall external facade details at 1:20, with key details such as windows and doors at 1:10.

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

Reason:

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

5 You must not paint any outside walls of the building without our written permission. This is despite the fact that this work would normally be 'permitted development' under Class C of Part 2 of Schedule 2 to the Town and Country Planning General Permitted Development (England) Order 2015 (as amended) (or any order that may replace it). (C26WC)

Reason:

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

6 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., , Wildflower/ green roof, , You must not remove any of these features. (C43FA)

Reason:

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

7 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., , 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)

8 (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 LAegTm, 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)

9 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)

10 **Pre Commencement Condition**. You must apply to us for approval of the ways in which you will protect the trees which you are keeping, as shown on drawing 22 2218 TPP001 REV 1. You must not start any demolition, site clearance or building work, and you must not take any equipment, machinery or materials for the development onto the site, until we have approved in writing what you have sent us. The tree protection must follow the recommendations in section 7 of British Standard BS5837: 2012. You must then carry out the work according to the approved details. (C31AC)

Reason:

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

11 You must retain the existing retaining garage walls, as shown on drawings 'garage plans -lower level demolition PIX_D_001'.

Reason:

To protect trees and the character and appearance of the site as set out in Policies 34 and 38 of the City Plan 2019 - 2040 (April 2021). (R31CD)

12 You must apply to us for our approval of the depth and methods to be used to dig the foundations of the terrace within the root protection area of any retained tree (as defined by paragraph 5.2.2 of British Standard BS5837: 2012) and within five metres beyond it. You must not start any work to dig the foundations until we have approved in writing what you have sent to us. The excavation and foundations must be carried out according to the approved details.

Reason:

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

13 You must apply to us for approval of detailed drawings of a hard and soft landscaping scheme which includes the number, size, species and position of trees and shrubs. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the landscaping and planting within 1 growing season of completing the development (or within any other time limit we agree to in writing)., , If you remove any trees that are part of the planting scheme that we approve, or find that they are dying, severely damaged or diseased within 3 years of planting them, you must replace them with trees of a similar size and species. (C30CC)

Reason:

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

14 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number pl 002 C prior to occupation and thereafter you must permanently retain them for the storage of waste and recycling. You must clearly mark them and make them available at all times to everyone using the new residential units. (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)

15 You must ensure that 4 cycle space in the existing cycle storage areas in Devonport are made available for the new residential units. You must provide each cycle parking space prior to occupation of the development. Thereafter the cycle spaces must be retained and the space used for no other purpose. (C22FC) (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)

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

Reason:

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

17 You must not form any windows or other openings (other than those shown on the plans) in the outside walls of the building without our written permission. This is despite the provisions of Classes A of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order (England) 2015 (as amended) (or any order that may replace it). (C21EC)

Reason:

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

Informative(s):

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

2 HIGHWAYS LICENSING:

Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please visit our website at www.westminster.gov.uk/guide-temporary-structures.

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

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

3 You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at www.westminster.gov.uk/planning-building-and-environmental-regulations/building-control.

- 4 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)
- 5 This site is in a conservation area. By law you must write and tell us if you want to cut, move or trim any of the trees there. You can apply online at the following link: www.westminster.gov.uk/trees-and-high-hedges. You may want to discuss this first with our Tree Officers by emailing privatelyownedtrees@westminster.gov.uk.
- 6 When you apply to us for approval of details of the landscaping as required under Condition 14 you should:, o consider the use of one large sized tree and understorey planting, rather than three closely planted trees of the same species., o Include details of the living wall, including details of species, sizes and numbers of plants, substrate make-up and volumes, irrigation and maintenance.
- 7 Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met:, , 1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety]., 2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises)., , This applies to both new and existing residential accommodation. Please see our website for more information: www.westminster.gov.uk/planning-building-and-environmentalregulations/planning-enforcement/short-term-lets., Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year).
- 8 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.

- 9 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.
- 10 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)
- 11 Conditions 9 and 10 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)
- 12 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.
- 13 In relation to the green roof condition, you should review the guidance provided by the Greater London Authority on their website prior to finalising the structural design of the development, as additional strengthening is likely to be required to support this feature: www.london.gov.uk/whatwe-do/environment/parks-green-spaces-and-biodiversity/urban-greening.
- 14 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.

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

CITY OF WESTMINSTER					
PLANNING	Date	Classification			
APPLICATIONS SUB COMMITTEE	11 July 2023	For General Release			
Report of		Ward(s) involved			
Director of Town Planning & Building Control		Marylebone			
Subject of Report	10 Montagu Mews North, London, W1H 2JY				
Proposal	Alterations including, excavation to provide new basement floor, erection of mansard roof level extension, rear terrace at first floor, alterations to doors and windows; all to enlarge and alter dwellinghouse (Class C3).				
Agent	dRAW Architecture				
On behalf of	Mr and Mrs Haley				
Registered Number	22/06785/FULL	Date amended/ completed	24 October 2022		
Date Application Received	7 October 2022				
Historic Building Grade	Unlisted				
Conservation Area	Portman Estate				
Neighbourhood Plan	None				

1. **RECOMMENDATION**

Grant conditional planning permission.

2. SUMMARY & KEY CONSIDERATIONS

The application proposes enlarging the existing dwelling house (Class C3) by excavating to provide a new basement floor (this excavation is limited to the rear yard and the rear half of the building footprint) and erecting a mansard roof extension. Changes to the doors and windows are also proposed.

The key considerations in this case are:

- The acceptability of the proposed buildings in design terms.
- The acceptability of the proposed basement.
- The impact of the proposed buildings on the character and appearance of the Portman Estate Conservation Area and the setting of other nearby designated heritage assets.

• The impact on the amenity of neighbouring residential properties.

The proposed alterations, extension and basement excavation are acceptable and suitable interventions in design terms. The works are not considered to be harmful to the character and appearance of the Portman Estate Conservation Area and are not harmful to the special interest or character of the neighbouring listed building.

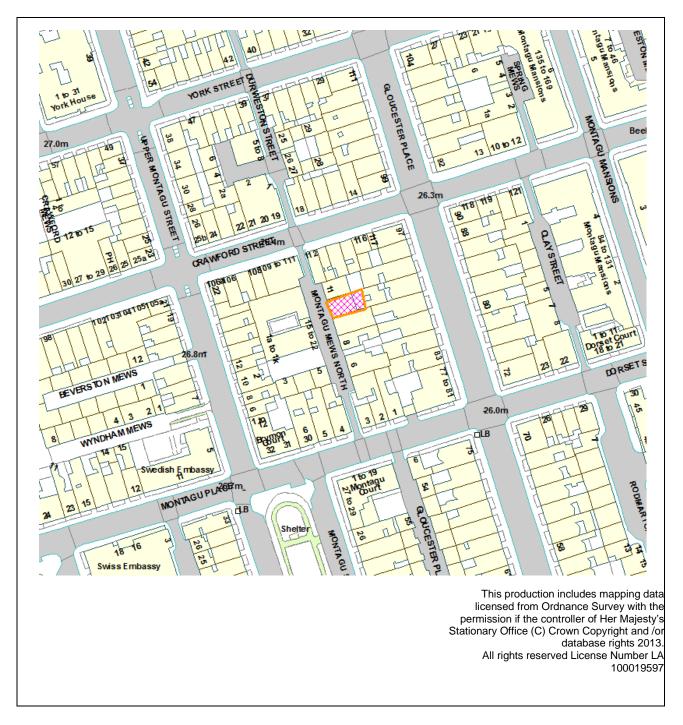
The applicant has demonstrated that the proposed works will not cause a detrimental loss of daylight and sunlight to surrounding properties, including to those of objectors. The nature of the site and extent of the extensions mean that there is no material increase in overlooking to surrounding properties beyond the existing mutual overlooking that exists. The continued use of an existing rear terrace is not considered to raise any concerns on amenity grounds.

The proposed basement is considered acceptable. The construction impact of the proposed basement works on both the site and the surrounding buildings/area will be managed by the Environmental Inspectorate by way of the Code of Construction Practice (CoCP), which shall be secured by condition, and this is considered to address objectors' concerns about disruption during building works.

Subject to the above conditions, the proposals are acceptable and recommended for approval.

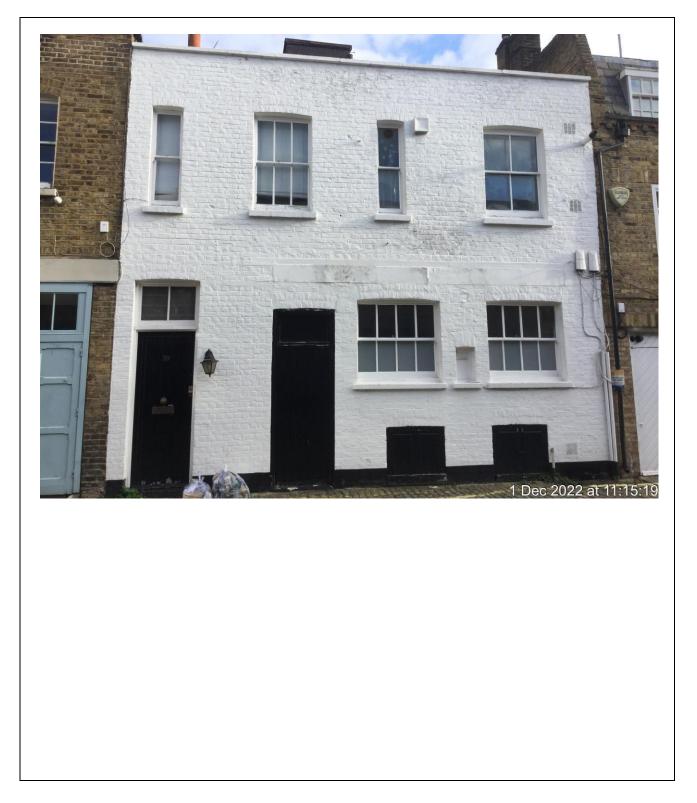
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3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

5.1 Application Consultations

MARYLEBONE ASSOCIATION Any response to be reported verbally.

HIGHWAYS PLANNING TEAM No objection subject to conditions and doors not opening over the highway (overcome by revision).

BUILDING CONTROL No objection subject to condition.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED No. Consulted: 96 Total No. of replies: 3 No. of objections: 3

3 Objections received on some or all of the following grounds:

Amenity:

- Rear terrace will result in loss of light, overshadowing and loss of privacy,
- Loss of sunlight to courtyard at opposite building,
- Overlooking, loss of privacy to courtyard to a building opposite

Design and Conservation:

- Design and proposals are out of character with the area and not likely to fit the 'local aesthetics',
- Basements are not appropriate in a Mews and out of character,
- Unacceptable precedent will be set for mews houses
- Basement:
- Concerns over structural stability issues for surrounding buildings related to basement,

Construction Impacts:

- Damage to cobblestones on Mews as a result of the works,
- Impact of construction traffic and works on the ability of vehicles to use the mews,
- Loss of access to garages on Mews due to the nature of the works,

Other:

- Property currently used as a commercial letting for short-term renters who have disregard for area,
- Building left in disrepair for a long time prior to the submission of this application,
- Removal of a current terrace will be contrary to biodiversity guidance, and

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 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 two-floor mews building, across ground and first floors, that is in residential use (Class C3), located on the east side of Montagu Mews North. The site is located within the Portman Estate Conservation Area and the Central Activities Zone (CAZ).

7.2 Recent Relevant History

There is no planning history at this site.

8. THE PROPOSAL

Planning permission is sought to allow alterations to enlarge the existing dwelling house (Class C3) which include excavation to provide new basement floor, this excavation is limited to the rear yard and the rear half of the building footprint. A mansard roof extension is also proposed. There is an existing rear flat roof at first floor which is informally used as a terrace, the proposals will create a terrace here which will be the same size as the existing area. Changes to the doors and windows are also proposed.

The floorspace figures for the proposals are set out below.

Table: Existing and proposed land uses.

Land Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Residential (Class C3)	135	230	+95
Total	135	230	+95

9. DETAILED CONSIDERATIONS

9.1 Land Use

The proposals will result in an increase in residential floorspace which is acceptable in principle and in accordance with the overall aims of Policy 8 of the City Plan, which seeks to increase the residential floorspace within Westminster. City Plan Policy 8B restricts the size of new residential units to below 200sqm GIA. Given that this application is not creating a new unit, the unit size created here (230sqm) is not seen to be in breach of the policy.

9.2 Environment & Sustainability

Energy Performance

Eleven solar panels are proposed to be installed on the roof of the new mansard extension. This is welcomed in principle and in accordance with Policy 36 of the City Plan. They shall be installation and retention of these shall be secured by condition.

9.3 Biodiversity & Greening

An objector states that the removal of the current terrace at the site "goes against all the conservation and biodiversity for Westminster as per..." and refers to the July 2015 document titled "Basement Revision Publication Draft (Regulation 19) Revision to Westminster's City Plan: Strategic Policies". This document is no longer adopted and has been superseded by the Westminster City Plan 2019-2040 (April 2021).

The existing first floor terrace at the site is not being removed as part of the development. The existing rear ground floor yard area, will be excavated to create the basement. There will be no loss of outdoor amenity space at the rear of the mews house.

Townscape, Design & Heritage Impact

10 Montagu Mews North is an unlisted building in the Portman Estate Conservation Area. It is located on the east side of the street and has a white painted brick facade to Montagu Mews North with timber sash windows and a flat roof. The buildings to the rear are grade II listed and front on to Gloucester Place.

The key legislative requirements of relevance to this application in respect to designated heritage assets are as follows:

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('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."

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."

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.

This mews is generally characterised by two storey buildings with shallow pitched roofs. The proposal site has a flat roof which is significantly lower in height than its neighbours to both sides. However, the adjacent site immediately to the south at no. 9 and 9a has a mansard roof form and permission was granted in 2022 for the demolition and rebuild of 8 Montagu Mews North behind a retained facade, incorporating an additional mansard roof storey (21/07915/FULL). There is therefore an established precedent for mansard roof forms in this part of the mews. The existing flat roof at no. 10 is not a typical treatment in the mews and does not relate well to the appearance of the surrounding roofscape. Given the specific context of the site therefore, the construction of a mansard roof storey on this building would not appear out of character with this group on the north- east side of the mews and if the approved scheme were to be built at no. 8, it would form one of three adjacent mansard storeys which would enhance the uniformity of the roofscape in this part of the mews. The overall height of the proposed roof extension will exceed that of the adjacent site to no. 9 and 9a given the differential parapet heights, but is similar in height to the approved development at no. 8. It will not appear disproportionately tall to the scale of the building and is considered compliant

with the City Council's supplementary planning guidance. It will cause no harm to the setting of the listed buildings to the rear, which remain significantly greater in scale. The mansard roof extension is therefore acceptable in principle in design terms and compliant with Policies 38, 39 and 40(A) and (E). Objections received on the grounds that the proposed mansard roof storey will appear out of keeping and will create an unsuitable precedent are not therefore considered sustainable in design or heritage asset terms.

The design of the mansard roof extension has been extensively negotiated with officers. The proposed design shows a 70 degree pitch to the front and rear set behind the existing parapets with a flat roof. The most recent revision shows three dormer window openings to the front elevation and another three to the rear, the proportions of which are now equal in size and have been reduced in scale to relate better to that of existing fenestration on the front and rear facades. The roof storey is to be clad in a natural slate to the front and rear roof pitches and in lead to the flat roof above, which is considered appropriate to the historic palette of the mews. Samples can be secured via condition. A large rooflight and solar panels are proposed above the roof storey, details of which can be secured via condition. The solar panels are restricted to the rear side of the roof to ensure they do not harm the appearance of the building from street level at the front. The revised roof design will relate sensitively to the historic character of the mews, in compliance with Policies 38, 39 and 40 of the City Plan 2019- 2040, and is considered acceptable.

One objection has been received on the grounds that having two front doors and two basement windows makes the property appear out of keeping with the mews. The proposed drawings show that one of the two existing doors (which is currently fixed shut) is to be made openable with a like for like replacement. The 'basement windows' referred too are not windows to the basement area (which does not come to the front of the site) but are existing low level timber hatch features in the front elevation. Details of new windows and external doors can be secured via condition. Given that all fenestration is to be replaced on a like for like basis and any changes in external appearance would be negligible, this objection cannot be supported.

Permission is also sought to excavate a single storey basement beneath the rear part of the site, incorporating a large open lightwell to the rear. There are no external manifestations associated with the basement proposed to the front of the site. The rear lightwell is located adjacent to the building and, whilst large, is at low level and will be largely obscured from private vantage points. Half of the existing ground floor garden area is maintained above the excavated basement. Large (almost full width) glazed openings are proposed at basement and ground floor levels to the rear and are contemporary in their design. The existing rear ground floor wall is to be rebuilt in decorative brickwork. The original design also incorporated contemporary style glazing to the first and roof levels which, following negotiations with officers, has been amended to show timber framed doors at first floor level with glazing bars. The contemporary glazing is now restricted to the lower levels of the building, which will largely be concealed behind existing boundary treatments. The more visible upper storeys, when viewed from gardens of neighbouring sites, retain a traditional character that is in keeping with the palette of this part of the conservation area and is more in keeping with that of the listed buildings to the rear. The proposed contemporary fenestration and decorative brickwork at the lower levels is not considered harmful to the character and

appearance of this part of the conservation area or the setting of nearby listed buildings. The imposition of conditions to secure further details of new windows, doors and brickwork is recommended. The objection raised on the grounds that the proposed development will not 'fit the local aesthetics' is therefore not considered sustainable. The proposed basement development and alterations to fenestration at the rear are therefore compliant with Policies 38, 39, 40 and 45A (3) and (4) of the City Plan 2019- 2040.

Objections have been raised to the proposed development on the grounds that the basement construction works could cause damage to the cobbles on Montagu Mews North. This is not however a planning issue and would be a civil matter for the respective landowners.

The installation of railings to the rear first floor terrace is proposed. This is not considered harmful to the appearance of the building or its contribution to the conservation area subject to the imposition of a condition to restrict the installation of associated structures. The proposed terrace railings are compliant with Policies 38, 39 and 40 of the City Plan 2019- 2040.

One objection is made on the grounds that mews houses should not be changed and that the proposed development is out of character with the area. With regards to the proposed basement, there are no external manifestations associated with the basement proposed at the front of the site and it will not be perceptible from the public realm. The proposed lightwell will not be visible from any public vantage points. Whilst the lightwell will be visible from some private high level views to the rear, it is not considered harmful to the wider character and appearance of the conservation area for the reasons set out above. Likewise, the proposed mansard roof extension follows a recent precedent for mansard roof development in this part of the mews and will not appear out of scale with the group given the surrounding roofscape. Alterations proposed to fenestration are sensitive in more visible locations. The more contemporary fenestration is restricted to the rear and low level, where visibility is very limited. Overall, the proposed development will not cause harm to the character and appearance of this part of the spart of the conservation area. It is therefore considered that these grounds of objection cannot be supported.

As such, the proposal is considered acceptable, mindful of Policies 38, 39, 40, 43(A) and 45A (3) and (4) 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.

9.4 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.

Objections have been received on a range of amenity grounds, addressed in the relevant sections below.

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 (2022). 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; 15-22 Montagu Mews North, 91 and 93-95 Gloucester Place.

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

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 31 windows tested, so all comply with the guidelines, including the objector's property. Any losses identified do not exceed 6%, and nearly half of the losses are 1-2%.

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 20 of the rooms assessed comply with BRE guidelines for NSL, including the objector's property, with only 6 experiencing any losses (which range from 2%-18%).

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 20 rooms require assessment. Of the rooms tested across the properties assessed, none experience losses above BRE guidelines (losses range from 2-4% for APSH and between 5-10% in winter but all windows retaining above the minimum stated in the guidelines), 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 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.

An objection has been received stating that the proposed terrace will result in a loss of light and increase overshadowing for the neighbouring building to the north. The blank party wall of the neighbouring building in question extends to same extent to the greatest extent of the terrace, and as such the terrace at the site is set behind the rear elevation of the neighbouring site. There is no significant increase in the height of the building as a result of the more formal design of the terrace (with the only real change being the introduction of a balustrade at a safe height) and the relationship of the site and the objectors building would mean there is no scope for the works to the terrace to have an impact on light or result in overshadowing. This objection cannot be upheld.

Objection has also been received stating that the proposal would result in the loss of sunlight to courtyard at the opposite building (15-22 Montagu Mews North). As stated the scheme complies with BRE guidelines with regards to both daylight and sunlight.

Privacy

Objection has been made on the grounds that residents in the development site will be afforded direct overlooking into the internal courtyard of the building opposite the site when in the new mansard rooms. The proposed mansard floor will not afford views over the ridgeline of the roof of the building opposite. There will be no overlooking into the rear courtyard of No 15- 22 Montagu Mews.

An objection has also been made that the rear terrace will result in a loss of privacy to the neighbouring building to the north of the site. The blank party wall of the neighbouring building in question extends to same extent to the greatest extent of the terrace, and as such the terrace at the site is set behind the rear elevation of the neighbouring site. The terrace will not create any overlooking issues.

9.5 Transportation, Accessibility & Servicing

Highway Impact

The Highways Planning Manager has assessed the application and provided comment on the following aspects.

Servicing and Waste & Recycling Storage

Waste stored on the public highway awaiting collection creates an obstruction to pedestrians and other highway users contrary to Policy 25. It also has an adverse impact on the public realm. The Highways Planning Manager notes that no waste storage area is shown on the proposed plans and have requested details of waste storage should be secured via condition. However, given that there is no new use being created at the site and that the increase in residential floorspace is modest, it is considered that the development will be able to contain suitable waste storage areas without the need for such a condition.

Cycling & Cycle Storage

Policy 25(C) & (D) of the City Plan and London plan Policy T5 seek to secure cycle parking in new developments. Long stay cycle parking will support active travel options by residents. Long term cycle parking must be secure, accessible and weather proof.

The London Plan Policy T5 requires 1 space per 1 bedroom dwelling and 2 spaces per 2+ bedroom dwellings. A minimum of 2 cycle spaces are therefore required for the proposed enlarged dwelling. The application has proposed 3 spaces which complies with the requirements and shall be secured by condition.

Parking

Policy 27 supports residential development without car parking provision. On-street bays (including Residents Bays) on surrounding streets are controlled 8:30am to 6:30pm (Monday to Saturday). Therefore, resident bays should not be adversely affected by anyone who does drive to the site from outside the zone.

Doors Over Highway

The Highways Planning Manager notes that the proposed drawings show that the door to the new cycle area at ground floor opens outwards over the highway. They note that this is contrary to s153 of the Highways Act 1980 and City Plan Policy 25 and the design should be amended. The applicant has amended the layout of the cycle storage area to

allow the door in question to open inwards, while still retaining the proposed cycle storage. This has overcome the highways objection.

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

9.7 Other Considerations

Basement Excavation

The proposals include the excavation of a basement beneath the rear part of the Mews building and the existing courtyard.

Policy 45 part A of the City Plan seeks to ensure that basement development are designed and constructed in such a way so as to ensure they are structurally sound for both the site and surrounding buildings as well as taking into account relevant ground and flooding conditions for the site and protecting heritage assets. It also requires that developments be carried out in a way to minimise construction impacts on the surrounding area.

The site is not located within an Area of Special Archaeological Priority.

Building Control have been consulted and have confirmed that the submitted information complies with Supplementary Planning Document "Basement Development in Westminster". They note that the Construction Method Statement is considered to be acceptable. An investigation of existing structures and geology has been undertaken and found to be of sufficient detail. The existence of groundwater, including underground rivers, has been researched and the likelihood of local flooding or adverse effects on the water table has been found to be negligible (the site is not located in a surface water flooding hotspot area). The basement is to be constructed using RC concrete underpinning which is considered to be appropriate for this site. Basement floor will be RC ground bearing slab on well compacted hardcore. The proposals to safeguard adjacent properties during construction by using RC underpinning are considered to be acceptable. The basement works are therefore considered to comply with Policy 45 part A.

Objections have been received stating that there are concerns over structural stability issues for surrounding buildings as a result of the basement. As set out above, the impacts of the basement have been identified as being acceptable at this stage. Further assessment and assurance of structural stability of neighbouring buildings is undertaken at a later stage and under Building Control regulations. It is therefore not possible to withhold permission on the grounds of these objection points.

Policy 45 part B sets out a range of criteria controlling the extent and depth of basement,

such as not extending more than 4m from the original building line, leaving a margin of undeveloped land, proportionate to the site, to only comprise one additional storey below the original building, to provide a minimum soil depth, and to not encroach more than 1.8m under the highway.

The proposed basement comprises of one additional storey below the original building. The new basement extends the full depth of the courtyard from the rear building line, which is 4.03m, 0.03m (3cm) In excess of the policy stipulation for a small site such as this. Given this minimal additional space and the small amount that would remain if the basement were only 4m in depth, it is considered that this small amount of additional basement is acceptable. There is no basement development under the forward part of the footprint of the building, and therefore not under the highway and leaving a large margin of undeveloped land at this part of the site. The basement at the rear part of the site and below the existing courtyard is not set in from the boundary by any significant amount, however given the small context of this site it is considered proportionate to the scale of the development and the site.

No soil depth is provided above the basement however, given that the existing site is currently fully paved and provides no soil depth, it is not considered necessary to provide it in this instance. It would also avoid creating a change in levels at basement level. The applicant has also advised that they are happy to have details of some permeable pavement at the lower courtyard level along with having details of planters secured by way of condition so as to provide better drainage at the site (which would have been provided by soil depth etc.). These details are welcomed and it is recommended are secured by condition.

The scheme is required to operate under the Councils Code of Construction Practice (CoCP), which will be secured by condition. The applicant has submitted a signed Appendix A document for the CoCP confirming that they will be undertaking the development in line with the CoCP.

The proposed basement is considered acceptable in the context of this site.

Impact During Construction

Objections have been received in relation to the impact on the Mews and surrounding properties during the course of construction of any development permitted, specifically raising the impact of construction traffic and works on the ability of vehicles to use the mews, and that hoarding for the site would result in the loss of access to garages on Mews due to the nature of the works.

While these concerns are noted, it would be unreasonable for the Council to withhold permission due to the impact of construction works. Hours of noisy building work are controlled by condition, as is standard practice, and as the proposals include basement excavation, the CoCP applies as set out above. This includes managing construction traffic. These objections therefore cannot be upheld.

Other Points of Objection

Objections have been received stating that the property is currently used as a

commercial letting for short-term renters who have disregard for area, and that the building has been left in disrepair for a long time prior to the submission of this application. While these points are noted, the application is for the use of the premises as a residential dwelling (Class C3) in accordance with City Plan policies.

9.8 Environmental Impact Assessment

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

9.9 Planning Obligations & Pre-Commencement Conditions

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

10. Conclusion

Sufficient information has been submitted to demonstrate that the proposals are acceptable in amenity terms. Subject to conditions securing compliance with the Council's CoCP, the proposed basement and the associated works related to the construction are considered acceptable.

In design and conservation terms, the proposal is considered acceptable, mindful of Policies 38, 39, 40, 43(A) and 45A (3) and (4) of the City Plan 2019-2040 and therefore, a recommendation to grant conditional permission would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON BY EMAIL AT <u>mwalton@westminster.gov.uk</u>

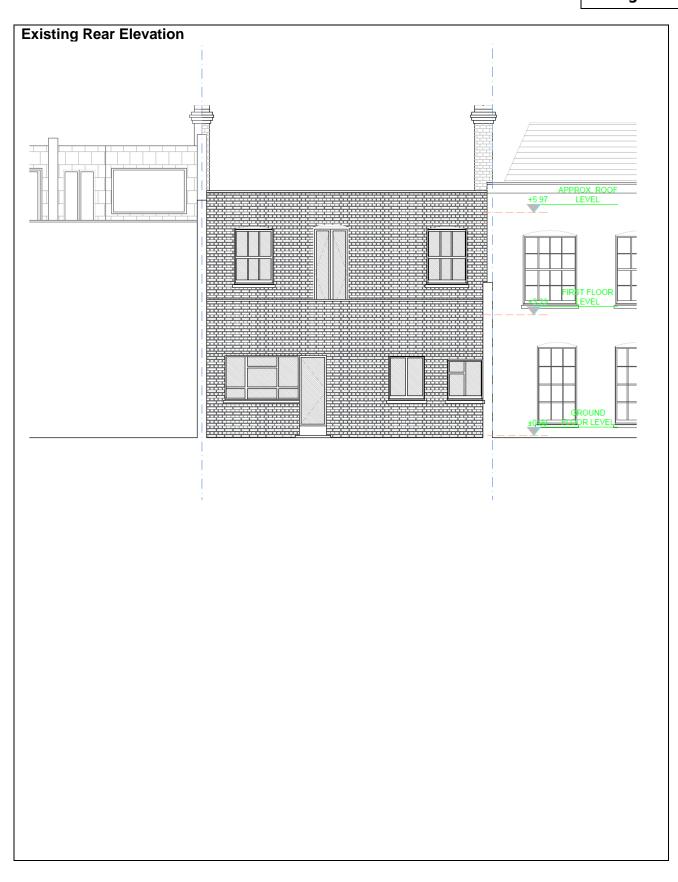
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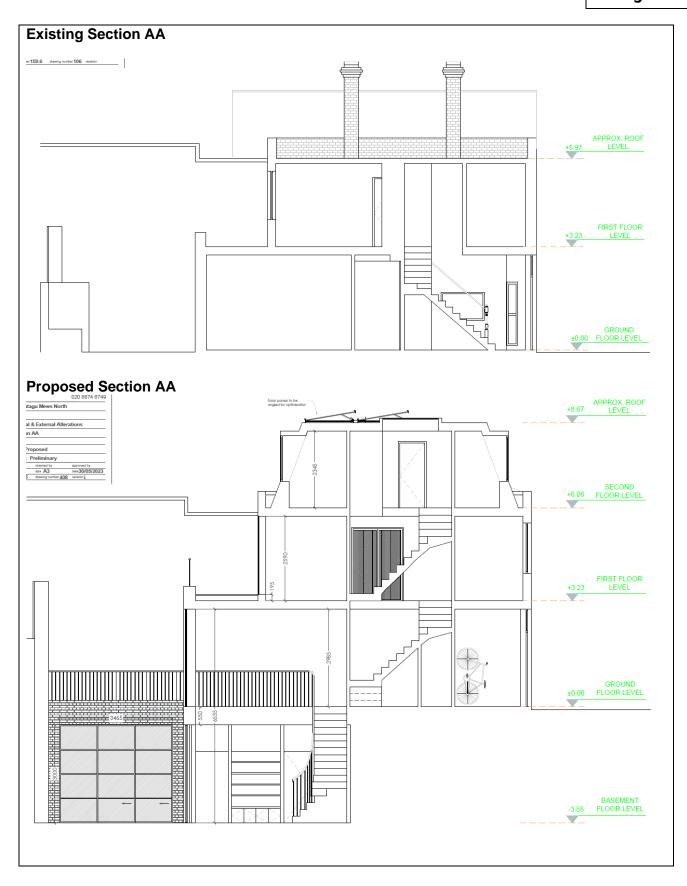




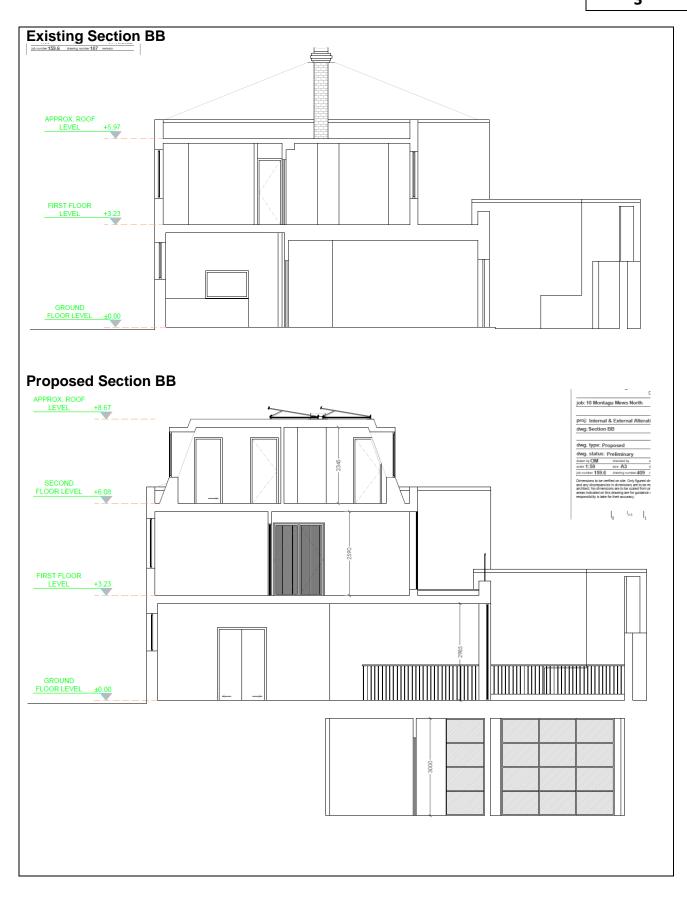
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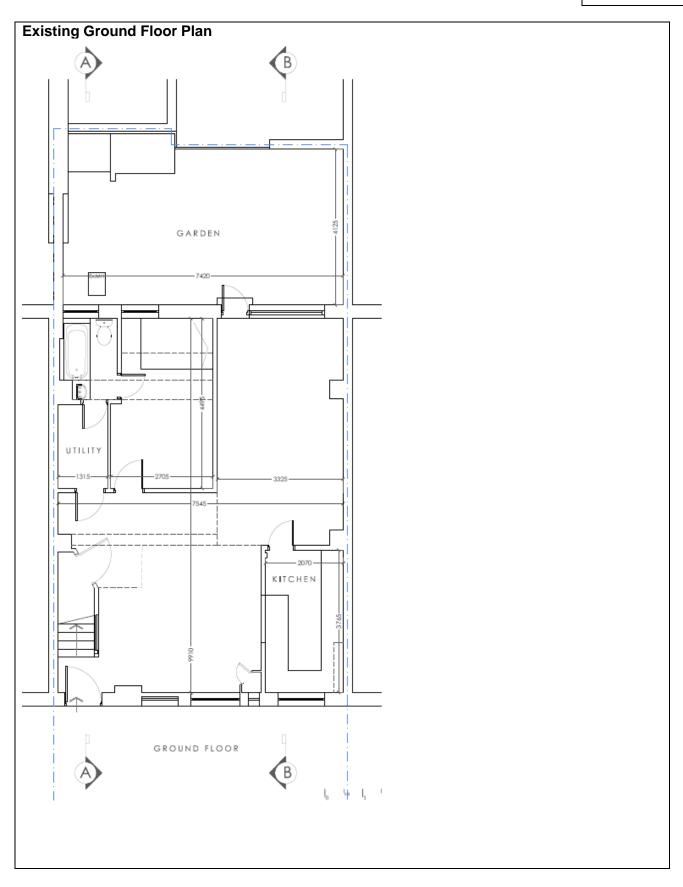




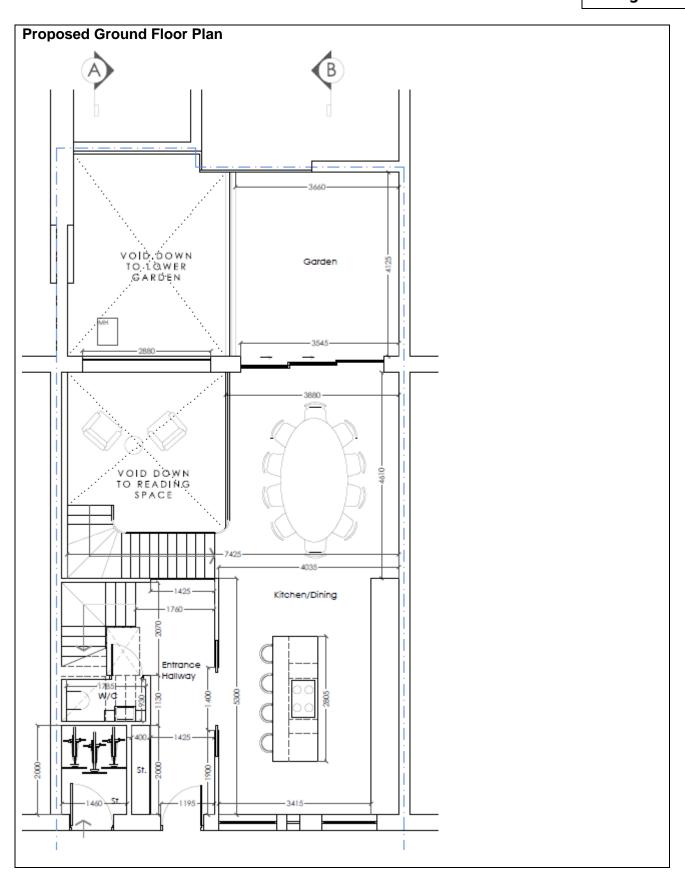
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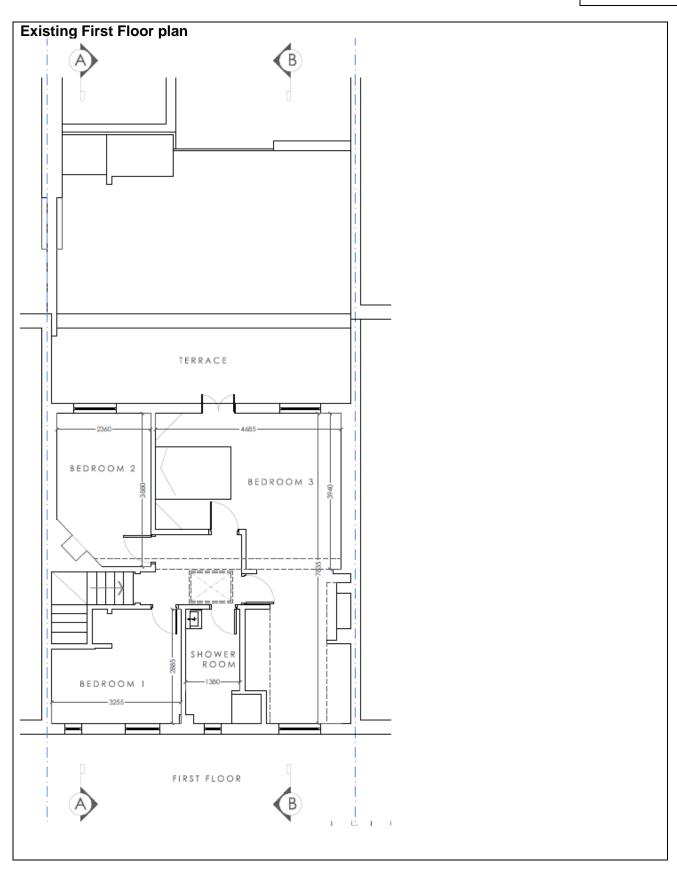




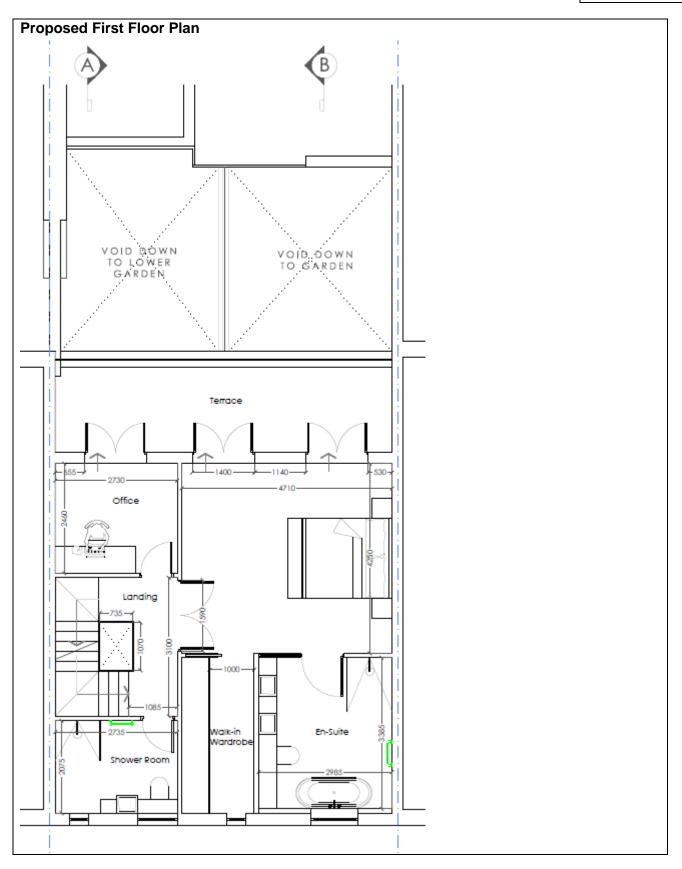
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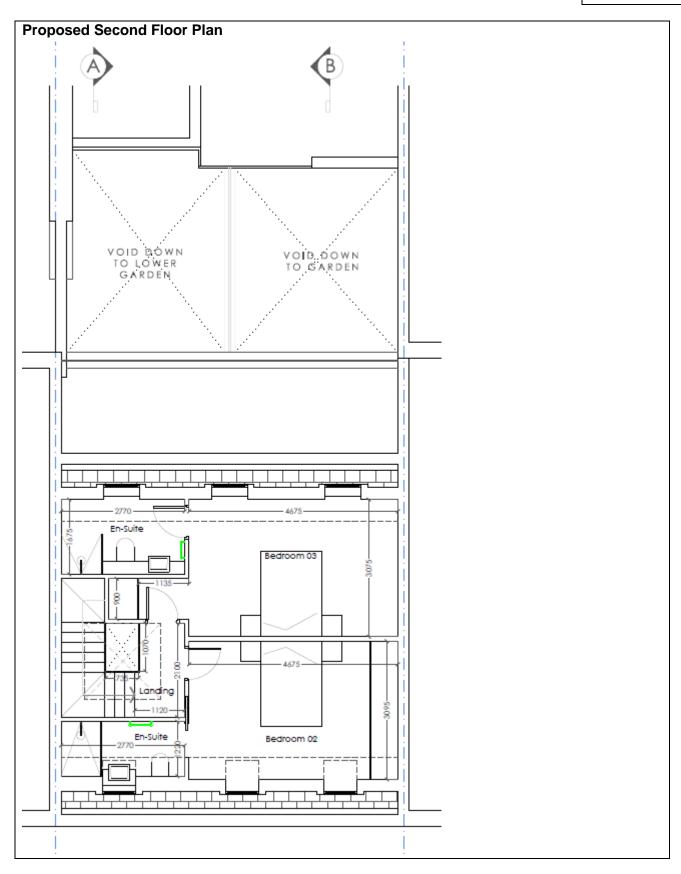




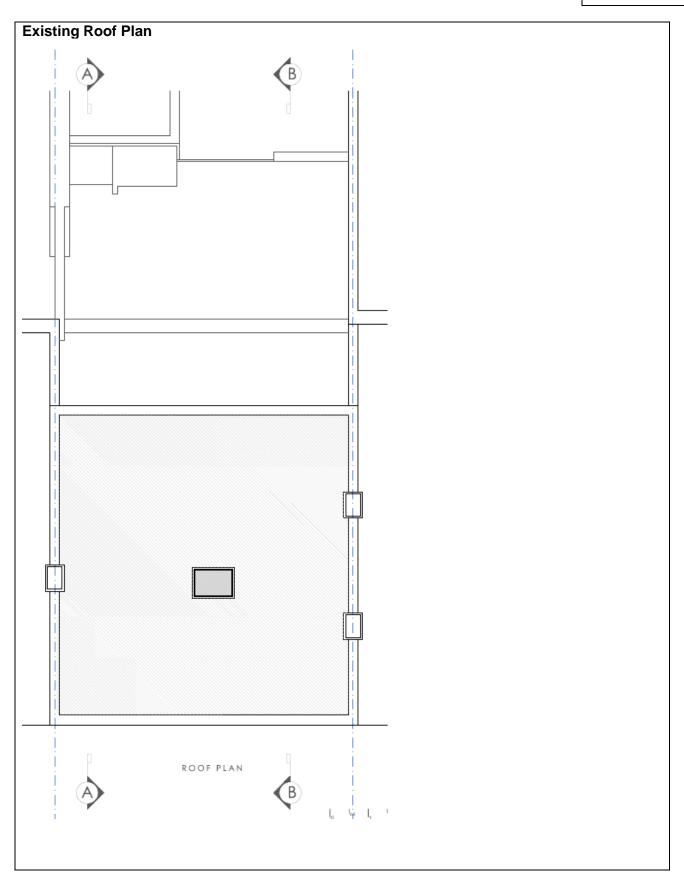




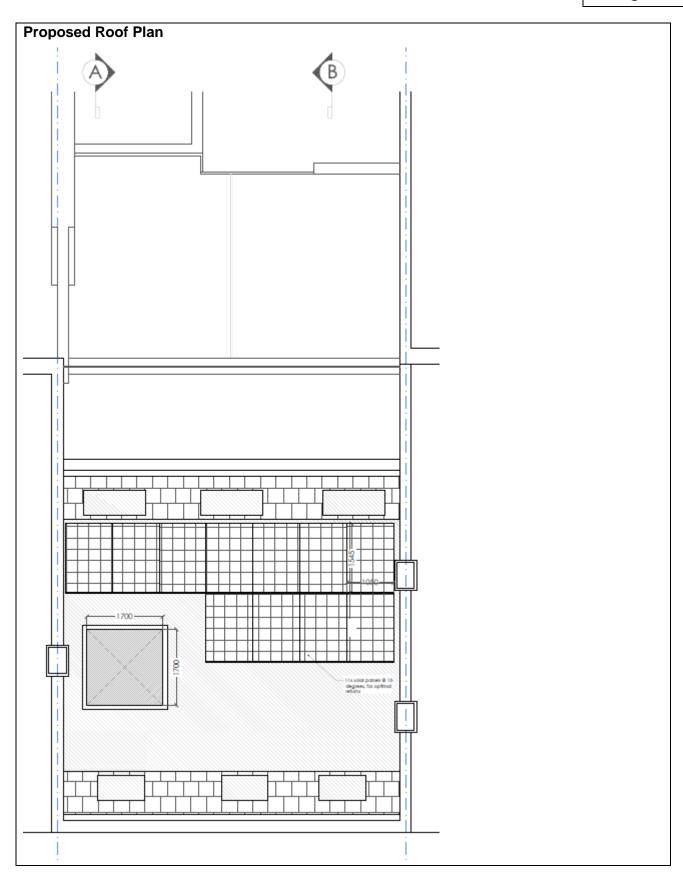












DRAFT DECISION LETTER

Address: 10 Montagu Mews North, London, W1H 2JY

Proposal: Alterations including, excavation to provide new basement floor, erection of mansard roof level extension, rear terrace at first floor, alterations to doors and windows; all to enlarge and alter dwellinghouse (Class C3).

Reference: 22/06785/FULL

Plan Nos: Demolition drawings numbered: D1 ; D2 all dated 01/06/2023.

Proposed drawings numbered: 401 rev. i ; 402 rev. i ; 403 rev. i ; 404 rev. i ; 405 rev. i ; 406 rev. i ; 407 rev. i ; 408 rev. i ; 409 rev. i, all dated 13/03/2023.

Case Officer: Adam Jones Direct Tel. No. 020 7641 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 You must provide each cycle parking space shown on the approved drawings prior to occupation of the development. Thereafter the cycle spaces must be retained and the space used for no other purpose. (C22FC)

Reason:

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

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

Reason:

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

6 You must 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)

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

- solar panels.

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)

- 8 You must apply to us for approval of detailed drawings of the following parts of the development:
 - 1. Dormer windows (1:10) including detailed section and elevation drawings.
 - 2. Windows and external doors (1:10)
 - 3. Solar panels including section drawing showing relationship to finished roof level (1:20)
 - 4. Rooflight including section drawing showing relationship to finished roof level (1:20)
 - 5. Railings (1:10)

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

Reason:

To 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)

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

Reason:

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

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

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)

11 The external terrace railings hereby approved shall be painted black and maintained that colour.

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)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Portman Estate 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 apply to us for approval of detailed drawings of the following parts of the development:

- the inclusion of permeable paving in the basement courtyard.

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.

Reason:

To alleviate and manage flood risk. This is as set out in Policy 35 of the City Plan 2019 - 2040 (April 2021).

- 14 You must apply to us for approval of detailed drawings and approval of a biodiversity management plan in relation to the following features:
 - Planting/planters to be located on the basement and ground floor terraces.

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 carry out the measures in the biodiversity management plan according to the approved details before you start to use the building.

Reason:

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

Informative(s):

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

- 2 Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met:, , 1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety]., 2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises)., , This applies to both new and existing residential accommodation. Please see our website for more information: www.westminster.gov.uk/planning-building-and-environmentalregulations/planning-enforcement/short-term-lets., , Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year).
- 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 With reference to condition 5 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.

5 Should works be undertaken that impact the party wall between the site and No. 91 Gloucester Place, you may required Listed Building Consent (as No. 91 is Grade II Listed). This permission does not act as listed building consent. You will need to apply for this separately (at the address of the listed building) for any works that affect the special architectural or historic character of the neighbouring listed building. It is a criminal offence to carry out work on a listed building without listed building consent.

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

CITY OF WESTMINSTER				
PLANNING	Date	Classification		
APPLICATIONS SUB COMMITTEE	11 July 2023	For General Release		
Report of		Ward(s) involved		
Director of Town Planning & Building Control		Bayswater		
Subject of Report	23 Sutherland Place, London, W2 5BZ			
Proposal	Internal alterations, re-modelling of basement rear extension, enlarged window from basement to garden, alterations to rear garden, balcony to ground floor rear over basement extension.			
Agent	Mr Simon Moxey			
On behalf of	Metaxa			
Registered Number	22/03785/FULL and 22/03786/LBC	Date amended/ completed	30 November 2022, and 23 May 2023.	
Date Application Received	9 June 2022			
Historic Building Grade	II			
Conservation Area	Westbourne			
Neighbourhood Plan	None			

1. **RECOMMENDATION**

- 1. Grant Conditional Permission.
- 2. Grant Conditional Listed Building Consent.
- 3. Agree reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision notice.

2. SUMMARY & KEY CONSIDERATIONS

These applications proposes a range of internal and external alterations to this Grade II listed house within the Westbourne Conservation Area. The full list of works are set out in detail later in the report.

The key considerations in this case are:

• The preservation of the special architectural or historic interest of the listed building;

- The preservation or enhancement of the character or appearance of the Westbourne Conservation Area;
- The impact of the proposals on the amenity and privacy of neighbouring residential properties.

Objections have been received from neighbours relating to both heritage and amenity concerns, alongside extensive non-planning issues. Whilst not planning considerations, these non-planning issues are explained briefly in this report, as background information only. Councillor Sullivan has requested that these applications be reported to Sub-Committee

The application proposals are considered to preserve the significance of the listed building and conservation area and would not lead to unacceptable impacts on the amenity of neighbouring properties. It is therefore recommended that conditional permission and listed building consent be granted.

3. LOCATION PLAN



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4. PHOTOGRAPHS



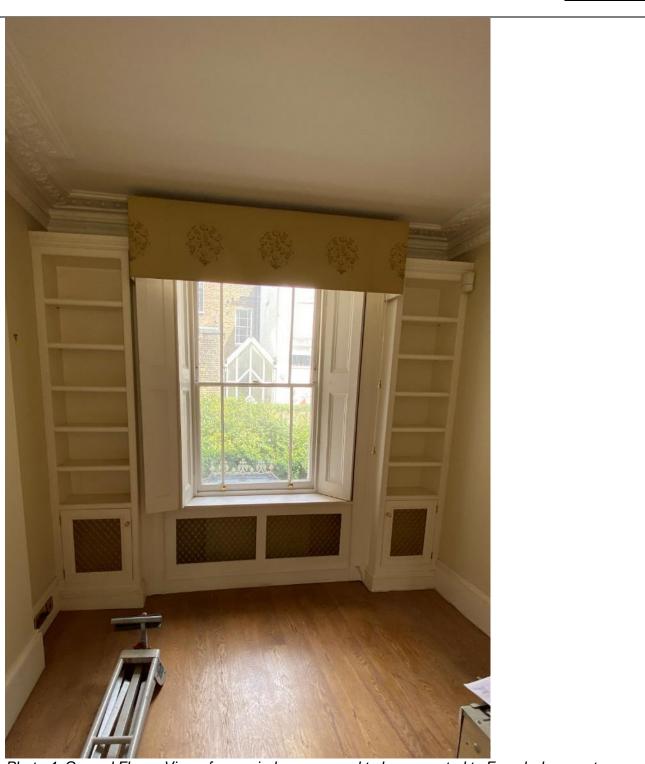
Photo 1: The front (west) elevation (No.22 to left, No.23 (application site) to middle, No.24 to right)



Photo 2: Rear elevation (No.22 to the right; No.23 (application site) to middle; No.24 to the left of image)



Photo 3: Lower Ground Floor - looking from front to back including staircase proposed to be replaced.



Item No. 4

Photo 4: Ground Floor - View of rear window proposed to be converted to French doors onto balcony



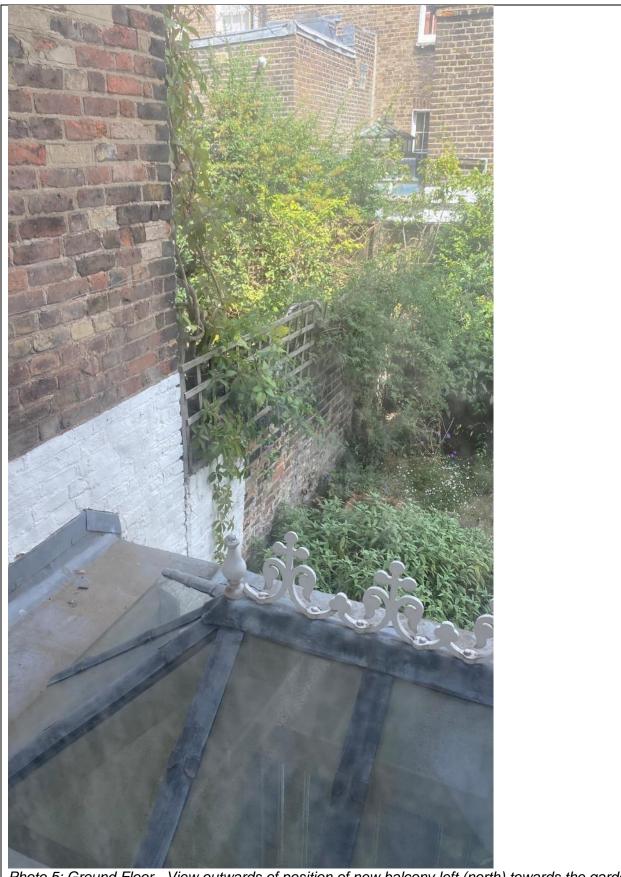
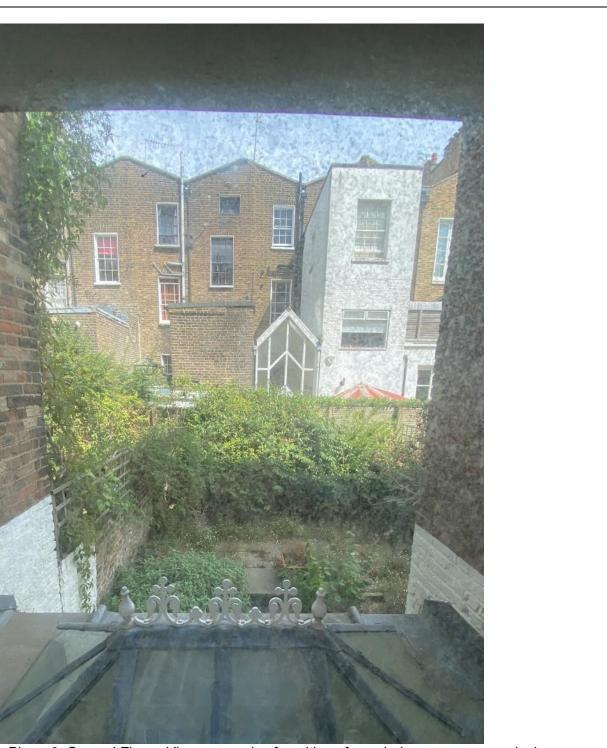


Photo 5: Ground Floor - View outwards of position of new balcony left (north) towards the garden of no.22. Page 146



Item No. 4

Photo 6: Ground Floor - View outwards of position of new balcony, east towards the rear gardens of Northumberland Place.



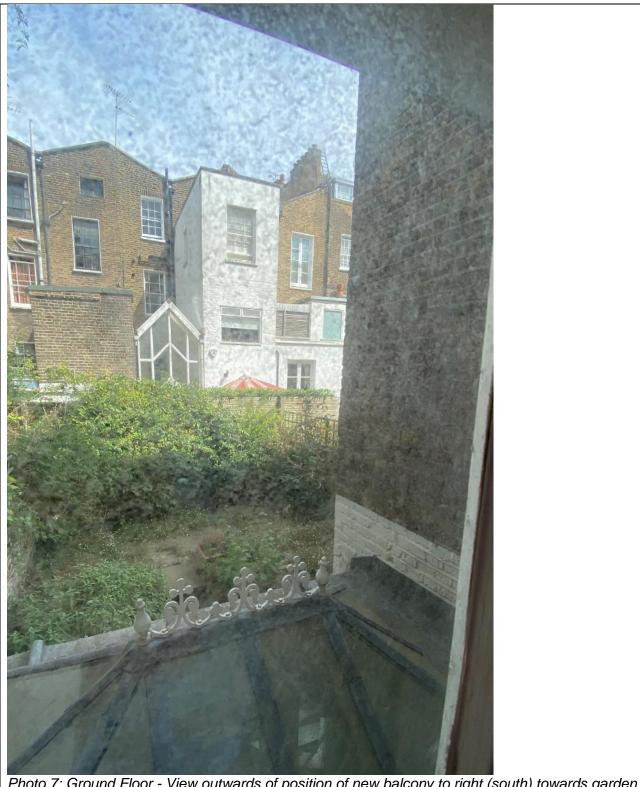


Photo 7: Ground Floor - View outwards of position of new balcony to right (south) towards garden of no.24.

5. CONSULTATIONS

5.1 Application Consultations

WARD COUNCILLORS FOR BAYSWATER:.

Cllr Max Sullivan: Requested these applications are determined by committee.

ARBORICULTURAL OFFICER: Responses to be reported verbally.

NOTTING HILL EAST NEIGHBOURHOOD FORUM (NHENF):

"All comments are made in line with NHENF guidelines. The guidelines were drafted subsequent to extensive local consultation amongst 1500 residences to form our local plan.

This is a listed building, so we are aware that any development must be in line with historic England conditions and that oversight will be by the WCC heritage officer.

(The detailed demo drawings do indicate that period detail is being restored).

The proposed development is in line with a number of guidelines sought in the Neighbourhood Plan:

- The new balcony is set back, which is good for privacy
- The reconstructed lower ground floor falls within parameter guidelines (5.2 p6)
- The sedum roof is welcomed
- and crucially, the square of garden (referred to in guideline 5.1) remains

Whilst the maintenance of garden level is welcomed, the new steps do intrude on what could be planted areas, negatively affecting the possibility of soft landscaping.

We would request a reduction in step width at the back and additional greening (preferably in both back and front gardens) to add to public amenity."

HISTORIC ENGLAND: Do not wish to offer advice on this occasion. Authorisation to determine granted.

NATIONAL AMENITY SOCIETIES: Responses to be reported verbally.

BUILDING CONTROL: No objection:

"The proposed works do not involve a basement enlargement, a new basement, or significant new excavations. The works consist in internal alterations on all floors, external alterations and refurbishments. Hence, this application is outside our basement consultation scope at this stage. Still, from the preliminary design proposed, result a few minor structural works comprising:

- The replacement of an existing box section steel column with a smaller diameter circular profile column.
- The raising in level of an existing beam within the upper ground floor.

These proposed structural works can be easily done with the specified temporary works and a good workmanship. Fireproofing and waterproofing shall be considered for the exposed steel members accordingly.

No alterations are to be carried out to the existing structure or foundations. There are no party wall works. The proposed works will not cause any structural interaction or impact on any adjacent buildings or structures. The impact on the fabric of the building should be minimal.

The structural movements within the property are anticipated to be minimal, in the acceptable range of +/- 2 or 3mm. Also, a movement monitoring regime has been instigated.

The submitted Structural Statement is satisfactory and accepted.

For the record, a desk study shows a London Clay foundation soil. Ground water is not likely to be present. The flood risk is minimal to none.

The scheme is justified structurally and the proposal is considered to be viable.

From the preliminary structural information provided at this stage, the consulting engineer is considered to be of sufficient experience to give us confidence that all such alterations will address our usual concerns, sufficient detailed structural analysis and design information to be submitted at later stages."

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 14 Total No. of replies: 8 (2 from same objector) No. of objections: 7 No. in support: 0

7 objections raising all or some of the following grounds:

Amenity

- Loss of privacy from balcony
- Light pollution from balcony

Design / Heritage

- Loss of historic staircase from lower-ground floor
- Potential for damage to building's fabric from structural alterations
- Design of rear balcony inappropriate and harms fabric of building (loss of original window).
- Design of replacement infill extension inappropriate.
- Design of sunken garden inappropriate, and reduces amount of space for planting
- Proposed internal doors inappropriate.
- Expectations that harm to a listed building must always be refused.

Item No. 4

Other Matters – Non-planning issues

- Party wall concerns over past and potential future structural damage to the application property and nos.22 and 24.
- Enforcement concerns over past and potential future structural damage and other work to the application property;
- Applications contains misleading information;
- No benefits to environment, conservation or neighbour amenity
- Noise, vibration and dust during works
- Concerns about mishandling of or disregard to regulatory duties by WCC officers

PRESS NOTICE / SITE NOTICE: Yes

REVISIONS RECEIVED 16 August 2022 and 07 October 2022

No. of objections: 1

1 objection raising the following grounds:

- Inaccuracies persist in submitted information;
- Revisions have not overcome previous concerns.

ADDITIONAL INFORMATION AND REVISIONS RECEIVED 23 May 2023

No. of objections: 1 further objection received

- Maintain objection that the works at basement level will seriously impact on No's 22 and 24.
- Meeting with the owners and their engineers to address structural and remedial works and agreed to arrange outstanding underpinning and foundation repairs.
- Request a site meeting with neighbouring owners and Council officers.
- No party wall notice
- Proposed works are harmful and should be refused.

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 an adopted Neighbourhood Plan. The Notting Hill East Neighbourhood Forum have produced a draft Neighbourhood Plan but this has not been formally adopted .

6.3 National Policy & Guidance

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

7. BACKGROUND INFORMATION

7.1 The Application Site

The application relates to an historic single family mid-terraced dwelling within the Westbourne Conservation Area. It forms part of the Grade II listed terrace, No's17-31 Sutherland Place, which was built in the 1850s and consists of 15 houses to the eastern side of the road. It consists of five floors – lower ground, ground, first, second and third floors. The third floor is a modern mansard built in 2004 shortly after the terrace was listed.

The terrace is built principally of brick, but with the front façade faced in stucco render, painted in various pale shades. The front elevation is not affected by the application proposals, but includes a number of decorative features which contribute the terrace's primary element of significance.

To the rear the terrace is characteristically plainer and faced in stock brick, with regularly spaced half-width rear closet wings. The gaps between these closet wings have been severally infilled, particularly at lower ground floor level as per the application site. The majority of the terrace has had mansard roofs built at various dates, including the application site.

The terrace was first listed in October 2003. Evidence on-site and from historic records set out in the applicant's Heritage Statement demonstrate that the house has undergone extensive changes internally before listing, including significantly its conversion to bedsits at some point before the 1950s, to two maisonettes in 1968, and then back to a single dwelling in 1975.

As a result of these 20th century pre-listing changes, the house is missing most historic details, with none of the existing internal doors or chimneypieces being original to the house. Alterations at lower-ground floor level in particular have been extensive, leading to its largely modern and open-plan character today.

7.2 Recent Relevant History

23 Sutherland Place

03/01430/FULL Erection of a mansard roof addition and single storey conservatory at rear basement level in connection with the existing single family dwelling house. Application Permitted 28 August 2003

31 October 2003 - SITE LISTED

03/07209/FULL and 03/08440/LBC Erection of a double height conservatory at rear lower ground and ground floor level and internal alterations. Application Refused 20 January 2004

03/08439/LBC

Erection of a mansard roof extension, a conservatory at rear lower ground floor level within lightwell area and internal alterations. Application Permitted 23 January 2004

04/04240/LBC Alterations to front lightwell to incorporate steps and paving. Application Permitted 20 December 2004

04/10257/LBC Underpinning to party wall between 22 and 23 Sutherland Place and three pins to rear extension of No. 22 Sutherland Place. Application Permitted 12 May 2005

18/05319/FULL and 18/05320/LBCRemoval of front balcony structure and replacement with new balcony structure and
associated works, and repair works to front porch.Application Permitted16 July 2019

21/02584/LBC Partial underpinning below front wall of no.23 extending from French window opening to join with underpins below party wall with no.22 Sutherland Place. Application Permitted 13 October 2021

22 Sutherland Place

19/08173/LBC Underpinning below front wall of no 22 and front of party wall between nos 22 and 23. Repair the porch and front door lintel and pilaster and the facade stucco at basement and ground floor levels of no 22. Application Permitted 10 January 2020

8. THE PROPOSALS

The proposals seek permission and listed building consent for a range of works to the house, all associated with its continued use as a single family dwelling. These works are mostly internal, but include some external works to the rear as well.

- Remodelling of the existing rear infill extension at lower-ground floor level, including a sedum roof;
- Installation of a shallow 'juliet' balcony to the rear elevation at ground floor level, including the associated alterations to replace the existing sash window with a set of French doors;
- Replacement of a sash window to the rear at lower ground floor level for a single-leaf glazed door;
- Remodelling of the existing fully hard-landscaped rear garden terracing and planters;
- Construction of new free-standing low-level bin / garden storage in the rear garden;
- Replacement of existing structural steelwork at lower-ground floor;
- Lowering of a section of the lower-ground floor slab, to provide an area of increased headroom in the proposed new kitchen;
- Replacement of the existing modern staircase between lower ground and ground floor, including associated alterations to the partitions surrounding it at lower-ground floor;
- Removal of modern wall linings from the party wall at lower-ground floor level;
- Reinstatement of historic door opening between ground floor reception room and entrance hallway;
- General replacement of all existing (modern) internal doors;
- Removal of modern partitions to second floor, reinstating historic room size;
- Installation of four new chimneypieces, replacing existing modern chimneypieces, or reinstating where currently missing;
- Removal of modern fitted furniture and installation of new fitted furniture.

On 23rd May 2023, the applicant submitted the following additional information and minor revisions to respond to some of the objections raised by neighbours:

- 1. Legal opinion on obligations and powers for LPA to determine harmful proposals, and other matters.
- 2. Reduction in extent and depth of alterations to lower-ground floor slab, to avoid structural work to underlying base of goal-post steelwork.

9. DETAILED CONSIDERATIONS

9.1 Land Use

The lawful use of the site is not proposed to change as a result of the application proposals.

9.2 Environment & Sustainability

The proposals do not generally relate to the energy performance of the building, but where new windows or external doors are proposed, such as the rear infill extension remodelling works, it could be assumed that this would be done to current building regulations standards. This would be demonstrated as part of the recommended conditions for the detailing of the extension, windows and doors.

It is therefore considered that the proposals are compliant with Policy 36 and with the guidance given by the Environment SPD (ESPD).

9.3 Biodiversity & Greening

The application includes a proposal to install a sedum roof onto the remodelled flat roof of the rear infill extension. Whilst this is not the most biodiverse of green or living roofs, it is considered to be proportionate to the small size and sheltered location of the affected new roof, where a more extensive living roof may not be suitable. As such, it is considered that this proposal, whilst limited in its contribution to biodiversity and greening, is in compliance with Policy 34 and the ESPD.

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."

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 be clearly and convincingly justified and 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. Paragraph 202 in the NPPF identifies that where the harm caused to the heritage asset would be less than substantial, it should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

An objector has raised concerns about the powers that WCC as the LPA has to determine proposals which might be considered to be harmful, to involve loss of historic fabric, or to consider structural implications of the presented proposals. In response to this, the applicant has submitted a legal opinion which covers these points.

The council has a duty, as stated above, to pay special regard to the preservation of the listed building, its setting or its featured of interest. The NPPF, and extensive caselaw, have established for some time that this means that, where harm is found, LBC should be refused unless it is outweighed by the proposals' beneficial effects. There is no imperative for the LPA to refuse consent simply and in blind-sight because of the loss of historic fabric – only that, if that loss harms the significance of the listed building, it must not be approved unless it is required to secure some form of public benefits.

The effects of the proposals on the significance of the listed building (and on that of the conservation area also) are discussed below, but no harm is considered by officers to be caused by the application proposals.

Impact on Heritage Assets

External alterations to rear

To the rear it is proposed to remodel an existing single-storey infill extension which currently sits between the closet wings of the site and no.22 and already abuts both. This was approved in 2003 and is a typical 'orangery-style' extension of that period, with a largely glazed small-pane rear wall, and a solid roof inset with a pitched glazed roof lantern. It is a generally neutral part of the site, neither adding to nor detracting from the listed building's or conservation area's significance.

This would be replaced by a new infill extension of the same size, reusing the existing foundations. It is also currently stated that the roof of the existing extension would also be reused, so enabling no changes to the existing abutments. To amend these abutments however would be relatively minor work which should not affect the significance of the listed building. It is stated that the existing roof would be altered to receive a new flat rooflight and a low-profile sedum roof, with a revised front eaves. Again it would not be unacceptable in principle to wholly replace the existing super-structure. The new sliding doors beneath this would be simpler in design than the existing and more modern in aesthetic. Whilst this is a more significant departure from the 'traditional' design of the existing, it is considered to have equal merit in terms of how it sits subtly inset between the two brick closet wings. It's design would preserve the significance of the listed building and conservation area.

Also at lower-ground floor, it is proposed to replace an existing sash window with a single glazed door to a traditional design. This would see some removal of brickwork from the sill beneath the existing modern window. The design appearance of this change is considered to be acceptable and the amount and type of fabric proposed to be removed is insignificant.

Finally to the rear, and the focus of some of the objections received, is a proposal to install a shallow new balcony above the remodelled infill extension, at ground floor level. The projection of the balcony, which has been revised during the application on officer advice in response to the objections received, is 400mm which is designed to be just about sufficient to allow the swing of the new doors. Associated with this would be the replacement of the existing modern sash window in this location with a pair of traditionally designed, outwards opening French doors. This would in turn involve some removal of original brickwork externally, and some minor alterations to the internal panelling below the sash window, which is modern.

The proposed design of this ground floor balcony and French doors is considered to be of a high quality, with a strong appreciation for traditional design. The alterations to the internal panelling should be feasible whilst preserving the adjacent shutters which are original and of historic significance.

Whilst the lowering of the brick sill and the removal of the window sashes would represent some loss of historic fabric (one of the points of objection), the manner in which this is proposed is consistent with the character of many such ground-floor rear French doors seen historically across the city. Whilst this would not appear to have been a feature of this particular terrace, it is also not considered to be harmful to the architectural or historic interest of the listed building. There are however a couple of other modern examples of rear doors at this level on this terrace, of lesser design quality.

Objections received have implied that such a proposal must by default be refused simply because it affects *some* historic fabric or because it departs from the original design of the house. There is nothing in law or guidance which states that historic fabric is sacrosanct and indeed the essence of the NPPF and most other conservation guidance is the management of change, not stopping it. The Act strongly asserts that special regard should be had towards the preservation of the listed building and its features, but this does not inherently mean that change is not allowed, but that doing so should preserve the building's existing significance.

Lower ground floor

The lower ground floor is the location of the most extensive alterations proposed by these applications, in addition to the rear extension works already discussed above.

It is proposed to replace one existing modern structural column, which was inserted in 2003 prior to listing, with a new one in the same position. This proposal is intended to form an improved internal aesthetic (the existing column would not be desirable to expose) and is connected to the additional proposals to remove some surrounding modern boxing and partitions around the base of the staircase, and also to lower an area of the modern floor slab to the rear part of this floor, which in turn is intended to provide some extra ceiling height in the main kitchen movement area. Some additional information has been submitted in recent weeks to clarify that this slab lowering would not in fact touch the structural components of this slab, only removing non-structural upper layers and critically retaining the structural ground beam which forms a part of the slab's structural composition.

The lowered section of floor slab would be set off from the party wall, where the existing slab would be kept. Some of the keenest objections received in relation to the application have focussed on this area of work, stating that the work will cause structural damage to the building and to adjacent buildings, and that the information submitted in support of the application is incorrect.

Whilst the regulation of the structural competence of this work falls to the Building Control process, the additional information recently received from the applicant, alongside the advice of the applicant's (conservation-accredited) engineer and the council's Building Control Engineer is that this steelwork replacement and slab alteration work can be competently handled without further works being required to the listed building. The area of the work is evidently modern in character with modern structural fabric exposed by semi-intrusive investigations carried out by the applicant on-site.

Objections received for this application have included the assertion that it is proposed to remove a historic staircase from the lower-ground to ground floor. The replacement of the staircase in this location is indeed part of the application proposals, but the existing staircase is not historic; this has been confirmed by close inspection by the Council's Conservation Officers on-site.

This on-site evidence correlates with the records of the layout changes to this floor set out in the submitted Heritage Statement, which show that in 1956, the staircase in this location had already been removed, and that later in 1968, a new spiral staircase was installed from lower ground to ground floor to re-connect the two floors. This in turn was later removed again with the current staircase built back in the original historic location. The replacement again of the existing staircase here, with a new one in the same location, would not harm the significance of the listed building. Details of the new staircase can be secured by condition to ensure its design is appropriate to the internal character of the building.

The proposals for the lower-ground floor more generally would continue with the open plan character which already exists at this level and which is the result of a post-listing listed building consent granted in 2004 (RN: 03/08439/LBC). None of the fabric proposed to be removed now is historic. Whilst such an open-plan layout is often discouraged and refused for listed buildings, this is on occasions when the original cellular planform of the house remains intact, which it does not here. The proposals as revised on officer advice during the application for the staircase, would however retain a staircase in the historic location for the house, and which would remain spatially enclosed from the rest of the lower-ground floor open plan layout by a wall.

Ground and first floors

Internal proposals at ground and first floors are quite limited and are considered to be evidently positive to the significance of the listed building.

To both floors it is proposed to install new period-appropriate chimneypieces to the main front rooms. To the ground floor this would replace an existing modern chimneypiece, whilst to the first floor this would be a reinstatement to a currently blocked fireplace. This is beneficial to the significance of the listed building.

To ground floor, the original opening between the main front room and the entrance hallway is proposed to be reinstated, whereas it is currently blocked up. This is beneficial to the significance of the listed building.

To both floors (and indeed on upper floors as well) existing modern doors are proposed to be replaced with new doors. Objections have been received from a neighbour in relation to these doors, but it is noted that the existing doors are already non-historic and appear to pre-date listing. The indicated design of the new doors is not ideal. The detailed design of these new doors however can be adequately agreed through conditions, including a change to a more period-appropriate design, to ensure that the new doors would better represent the significance of the listed building.

To first floor a non-historic partition forming an alcove from the landing is to be removed, the wall made good and the original rear room proportions restored. This is beneficial to the significance of the listed building.

Second and third floors

To the second floor, as with the lower floors it is proposed to replace a current modern chimneypiece for a new period-appropriate chimneypiece. Also on this floor, modern partitions are proposed to be altered in what was the rear room to enable a minor updating of the dressing room and bathroom layout and to reinstate the wall dividing these spaces from the landing.

As with the lower floors it is proposed to replace modern doors with new doors to both floors, and to remove existing modern and install new fitted furniture.

Heritage impact summary

The proposals on the whole have a neutral or positive effect on the significance of the listed building. The only area where there may reasonably be contended to be some harm is with the rear ground floor balcony and French doors. However, this is considered to not be harmful to the listed building or conservation area for the reasons given above, and would in any case be more than outweighed by the wider conservation and architectural benefits of the scheme, which includes rectifying upper floor room layouts, the reinstatement of historically appropriate chimneypieces, and better detailed internal doors (subject to condition). For these reasons it is considered that the application is compliant with Policies 39 (heritage) and 40 (townscape and architecture) of the City Plan.

Landscaping, urban greening and biodiversity

It is proposed to re-landscape the garden, with a revised layout of terracing and planters. The existing arrangement is modern and is laid mainly to hard surfacing with inbuilt planters. This would remain the main theme of the landscaping, but with wider steps.

The Notting Hill East Neighbourhood Forum (NEHNF) have made neutral representations which include a preference for more greening in the garden, and some objectors have stated similarly.

It is considered that the design of the garden is sensitive to the setting of the listed building and to the character and appearance of the conservation area. It would not overall decrease the amount of greening in what is already a substantively paved garden. The amount of greenery in the garden currently is mostly a result of overgrowth. It is noted that the applicant would not require any permissions from the council in order to entirely remove all existing greenery in the garden; there are no substantive trees amongst it which would trigger the automatic protection afforded by conservation area status.

It is also proposed to lay a living 'sedum' roof on top of the remodelled flat roof. Whilst this is not the most biodiverse of living roofs, the small size of this roof and limited depth available for a suitable planting medium, means that this is an appropriate proposals on this occasion.

The proposal does not affect any existing trees.

Whilst the garden could undoubtedly provide more green planting area, the amount proposed is similar to the existing, and would be proportionate to the small size and limited light levels in this garden, and as such is considered to be compliant with Policy 34 (green infrastructure) of the City Plan.

9.5 Residential Amenity

Policy 7 of the City Plan seeks to protect surrounding residences from unacceptable loss of daylight/ sunlight, sense of enclosure, loss of privacy and noise. Policy 33 aims to minimise local environmental impacts of development. Policy 38C of the City Plan requires that all development, introduces measures that reduce the opportunity for crime and anti-social behaviour, promoting health, well-being and active lifestyles through design and ensuring a good standard of amenity for new and existing occupiers.

Daylight & Sunlight and Sense of Enclosure

Following a site visit, it is not considered that the proposed works to the rear will result in any loss of light or increased sense of enclosure to the neighbouring residents. The footprint of the existing conservatory addition is not being changed and the addition of a flat green roof instead of the existing glazed roof poses no new amenity issues.

Privacy

The key amenity consideration is the addition of a new shallow balcony above in terms of impact on neighbours privacy. Its limited 400mm projection is designed to allow the swing of the new doors and is not sufficient depth to allow sitting out on it .

It is also screened by the existing rear closet wing addition, therefore it is not considered to result in a material increase in overlooking or loss of privacy to adjoining neighbours in Sutherland Place. There is sufficient distance which separates the properties at the rear not to cause any material loss of privacy. Therefore the proposal is considered acceptable in overlooking terms and complies with policies 7 (A), 33 (A) and 38(C) in the City Plan.

9.6 Other Considerations

The site, in conjunction with the adjoining site no.22, has an extensive planning and enforcement history. These are extensively related to structural issues which are regulated by the Building Control process, or civil issues regulated by the Party Wall Act and other legislation. Both properties have at times shown signs of ground movement which has caused defects in the building. This is visually worse on no.22. The applicant for the application site has instigated a structural monitoring regime to establish what movement there is on their side of the party wall, and has been advised of their obligations in relation to the building's listed status.

Insofar as structural issues interact with this current application, this is limited to how the proposed structural works would affect the long-term preservation of the listed building, and as such are discussed in detail in Section 9.4 of this report.

10. Conclusion

The proposals would achieve a range of positive changes to the building, which would reinstate lost historic features, and improve layouts to upper floors. In other parts of the house, the proposals would have a neutral impact, affecting only modern fabric or planforms, or remodelling the existing modern extension to provide a new alternative design of the same size. The quality of new architectural design in the form of the extension and rear balcony is considered to be high, and largely offsets the slight impact on historic fabric seen with the balcony doors.

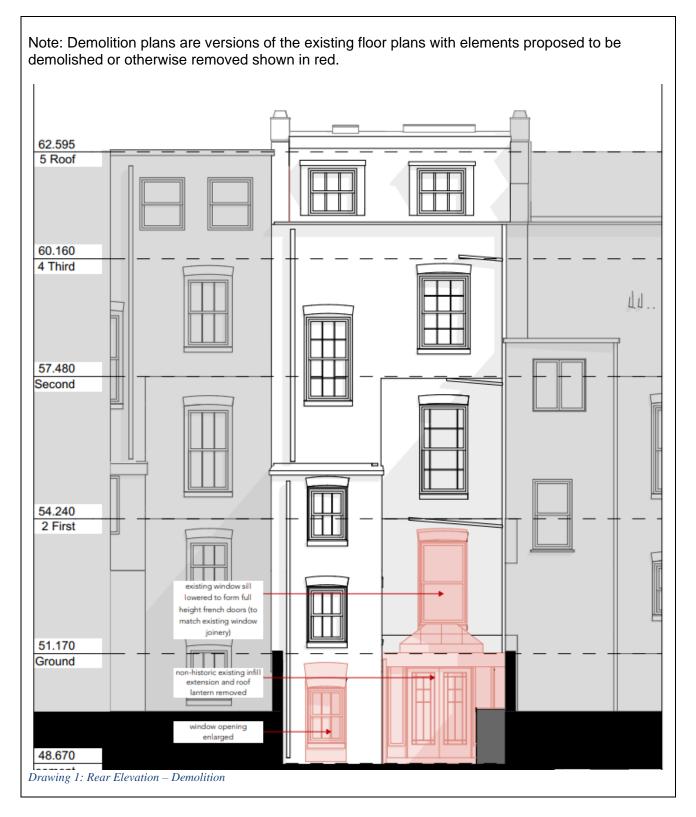
The proposed balcony is considered to cause no adverse harm to the privacy of neighbours given its position set back from the closet wings and its limited projection. As such, whilst being mindful of policies 38 (design principles), 39 (heritage), and 40 (townscape and architecture) of the City Plan 2019-2040, given the public benefits that would be delivered, which comprise the reinstatement of historically appropriate features, the proposals are considered acceptable in terms of their impact on the listed building and conservation area.

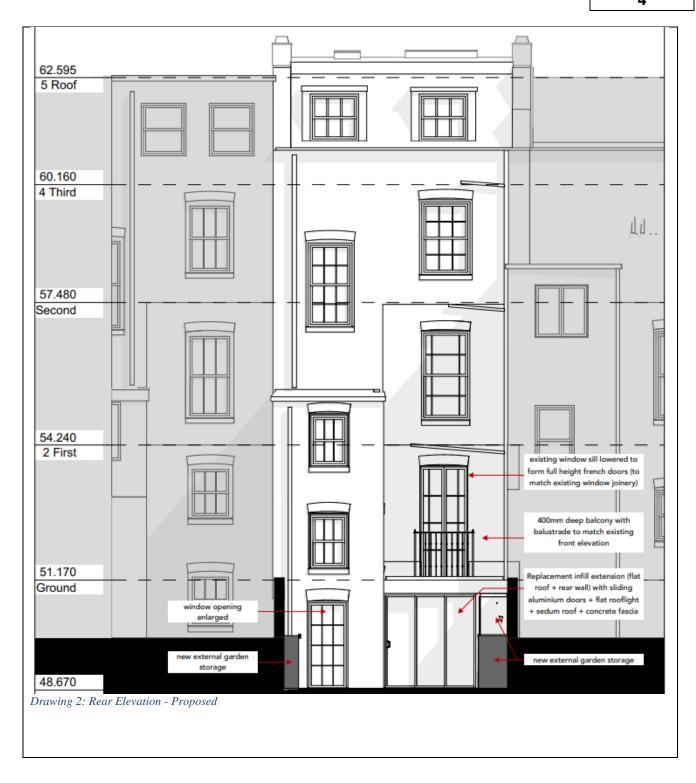
Therefore, the recommendation to grant conditional permission and listed building consent is compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

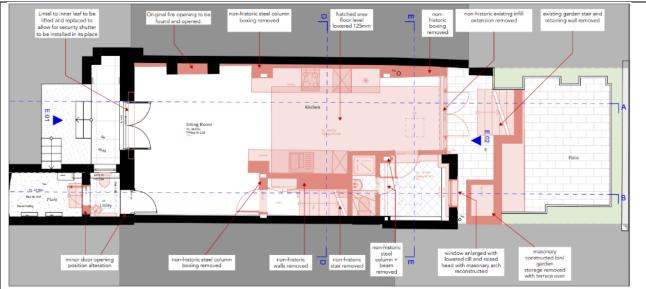
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: ANDREW BARBER BY EMAIL AT abarber@westminster.gov.uk.

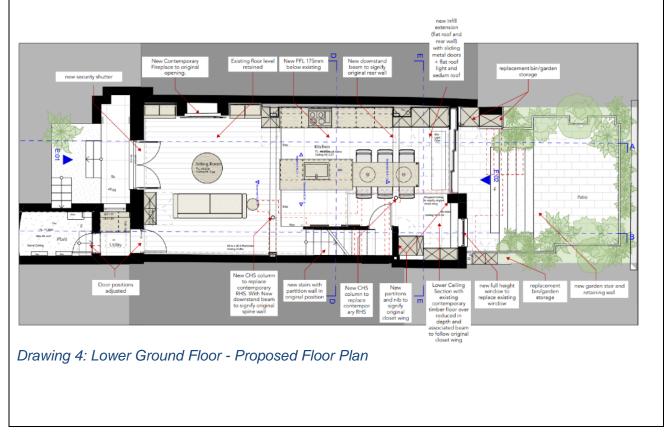
11. KEY DRAWINGS

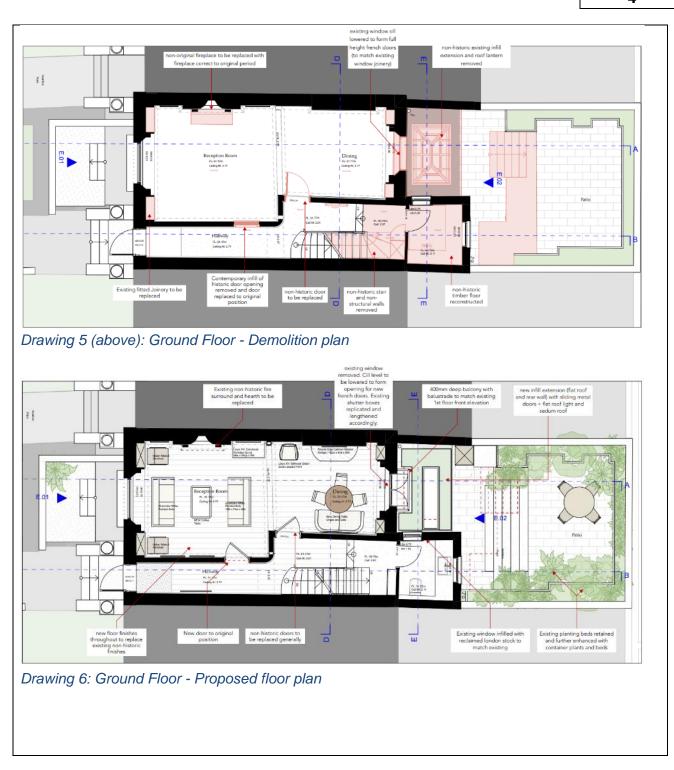


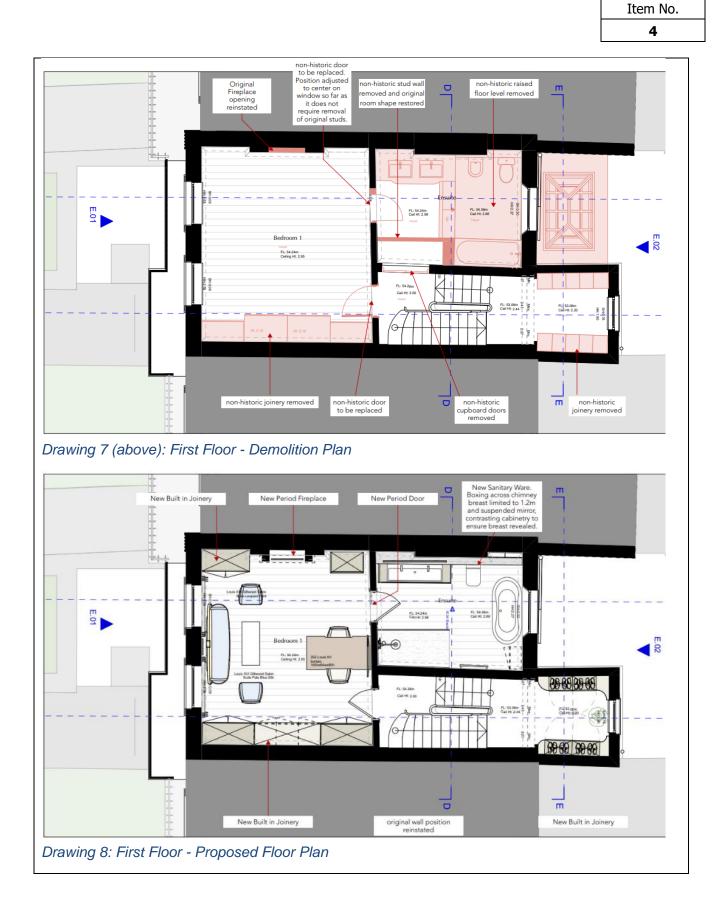




Drawing 3 (above): Lower Ground Floor - Demolition plan













DRAFT DECISION LETTER

Address: 23 Sutherland Place, London, W2 5BZ

- **Proposal:** Internal alterations, re-modelling of basement rear extension, enlarged window from basement to garden, alterations to rear garden, balcony to ground floor rear over basement extension.
- **Reference:** 22/03785/FULL

 Plan Nos:
 Location plan; Site plan; 01.01 Rev.B; 01.02 Rev.A; 01.03 Rev.A; 01.04 Rev.B; 01.05 Rev.A; 01.06 Rev.B; 01.07 Rev.B; 01.08 Rev.B; 01.09 Rev.B; 01.10 Rev.A; 01.11 Rev.A; 02.01 Rev.A; 02.02 Rev.A; 02.03 Rev.A; 02.04 Rev.A; 02.05 Rev.A; 02.06 Rev.A; 02.07 Rev.A; 02.08 Rev.A; 02.09 Rev.A; 02.11 Rev.A; 02.12 Rev.A; 21-092/0.1 Rev.B; 21/092/1.0 Rev.P2; Letter from Barton Engineers to Moxey Associates dated 07.10.2022; Document entitled, "23 Sutherland Place: Tree Survey to BS5837:2012 – Tree survey retention and removal plan" ref: CC41-1048 (FLAC, January 2022).

Case Officer: Andrew Barber

Direct Tel. No. 07866037397

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

Reason:

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

You must apply to us for approval of further information (as set out below) about the following parts of the development:
(a). Rear infill extension remodelling including associated works (detailed elevations and sections at 1:20);
(b) New rear below used railing a classifier a classifier set 4:20)

(b). New rear balcony and railings (detailed elevations, plans and sections at 1:20).

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

Reason:

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

4 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roof to the infill extension 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)

- 5 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)

6 You must not use the roof of the permitted extension as a balcony or for any other purpose. You can however use the roof to escape in an emergency. (C21CA)

Reason:

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

Informative(s):

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

2 HIGHWAYS LICENSING:

Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please visit our website at www.westminster.gov.uk/guide-temporary-structures.

CONSIDERATE CONSTRUCTORS:

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

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

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

DRAFT DECISION LETTER

Address: 23 Sutherland Place, London, W2 5BZ

- **Proposal:** Internal alterations, re-modelling of basement rear extension, enlarged window from basement to garden, alterations to rear garden, balcony to ground floor rear over basement extension.
- **Reference:** 22/03786/LBC

 Plan Nos:
 Location plan; Site plan; 01.01 Rev.A; 01.02 Rev.A; 01.03 Rev.A; 01.04 Rev.A; 01.05 Rev.A; 01.06 Rev.A; 01.07 Rev.A; 01.08 Rev.A; 01.09 Rev.A; 01.10 Rev.A; 01.11 Rev.A; 02.01 Rev.A; 02.02 Rev.A; 02.03 Rev.A; 02.04 Rev.A; 02.05 Rev.A; 02.06 Rev.A; 02.07 Rev.A; 02.08 Rev.A; 02.09 Rev.A; 02.11 Rev.A; 02.12 Rev.A; 21-092/0.1 Rev.B; 21/092/1.0 Rev.P2; Letter from Barton Engineers to Moxey Associates dated 07.10.2022; Document entitled, "23 Sutherland Place: Tree Survey to BS5837:2012 – Tree survey retention and removal plan" ref: CC41-1048 (FLAC, January 2022).

Case Officer: Andrew Barber

Direct Tel. No. 07866037397

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

3 You must apply to us for approval of further information (as set out below) about the following parts of the development:

(a). Rear infill extension remodelling and associated works (detailed elevations and sections at 1:20);

(b). New windows and doors, and alterations to existing windows and doors including associated features such as shutters and architraves / external mouldings (detailed elevations and sections at 1:10);

(c). New chimneypieces and associated works (detailed elevations, plans and sections at 1:10);

(d). New staircases, steps and balustrades (detailed elevations, plans and sections at 1:20);

(e). New rear balcony and railings (detailed elevations, plans and sections at 1:20);

(f). New internal security shutter to lower ground floor front doors (detailed elevations and sections at 1:10, and product details as applicable);

(g). New external bin / garden storage (detailed elevations at 1:20, and a written and photographic materials specification);

(h). New external hard landscaping (detailed plans and elevations at 1:20, and a written and photographic materials specification).

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

Reason:

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

4 You must submit to us for our approval in writing, a detailed Conservation Method Statement(s) (CMS) for each of the following parts of the approved works:

(a). The lower-ground floor structural works;

(b). The replacement of the lower-ground to ground floor staircase;

(c). The remodelling of the rear infill extension.

Each CMS should set out how you will carry out the work in a manner which minimises impacts on surrounding or otherwise connected historic fabric or features, including the temporary support or protection of those features before and during the course of the works.

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 showing the following alteration to the scheme:

(a). Revised design of replacement internal doors, to suit the period, style and architectural hierarchy of the building, including consideration of local exemplars from the same group of buildings.

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. 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)

Informative(s):

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT -In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework, the London Plan (March 2021), the City Plan (April 2021), as well as relevant supplementary planning guidance, representations received and all other material considerations. The City Council has had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses and has decided that the proposed works would not harm this special architectural or historic interest; or where any harm has been identified it has been considered acceptable in accordance with the NPPF. In reaching this decision the following were of particular relevance: Policies 38, 39 and 40 of the City Plan 2019 - 2040 adopted in April 2021 and paragraph 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.
- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:
 - * any extra work which is necessary after further assessments of the building's condition;
 - * stripping out or structural investigations; and,
 - * any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents. It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

3 You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at www.westminster.gov.uk/planning-building-and-environmental-regulations/building-control.

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

CITY OF WESTMINSTER			
PLANNING	Date	Classification	
APPLICATIONS SUB COMMITTEE	11 July 2023	For General Release	
Report of		Ward(s) involved	
Director of Town Planning & Building Control		Pimlico North	
Subject of Report	54 - 56 Lupus Street, London, SW1V 3EE		
Proposal	Installation of two air-conditioning units to rear in ground level enclosure adjacent to basement.		
Agent	Mr Gareth Evans		
On behalf of	Mr Blaz Emersic		
Registered Number	22/06175/FULL	Date amended/ completed	17 October 2022
Date Application Received	9 September 2022		
Historic Building Grade	Unlisted		
Conservation Area	Pimlico		
Neighbourhood Plan	Pimlico Neighbourhood Plan		

1. **RECOMMENDATION**

Grant conditional planning permission.

2. SUMMARY & KEY CONSIDERATIONS

The application seeks planning permission to install two external air conditioning units in an enclosure on the rear, basement-level courtyard to the premises. This will replace the existing unauthorised air conditionings units fixed to the wall above the door. The subject premises are in use as a commercial unit for the sale and distribution of glazing for construction or decoration purposes. It forms part of a mixed-use building with commercial premises at basement and ground floor levels and three storeys of flats above. The building is located on the north side of Lupus Street in the Pimlico Conservation Area. It is not a listed building.

The key considerations in this case are:

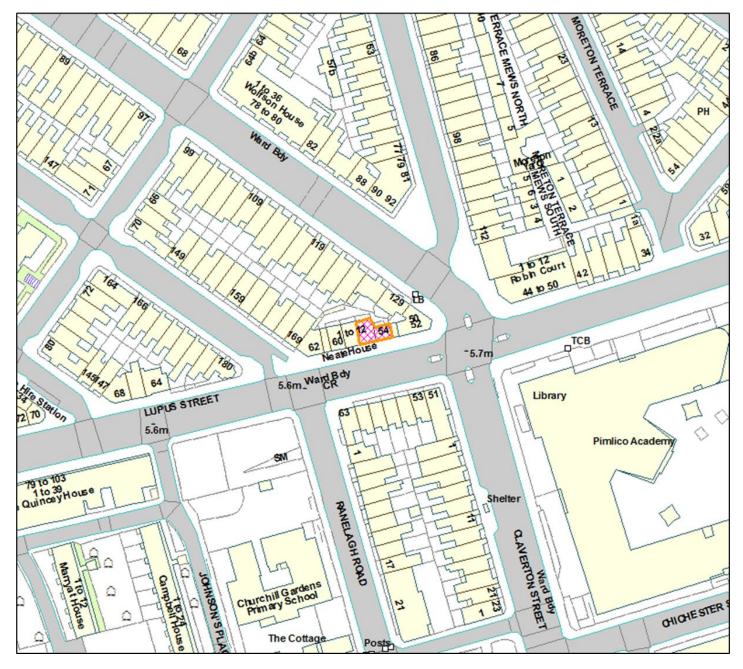
• The impact of the proposal on the amenity of neighbouring residential properties.

• The impact of the proposal on the host building and on the character and appearance of the Pimlico Conservation Area.

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

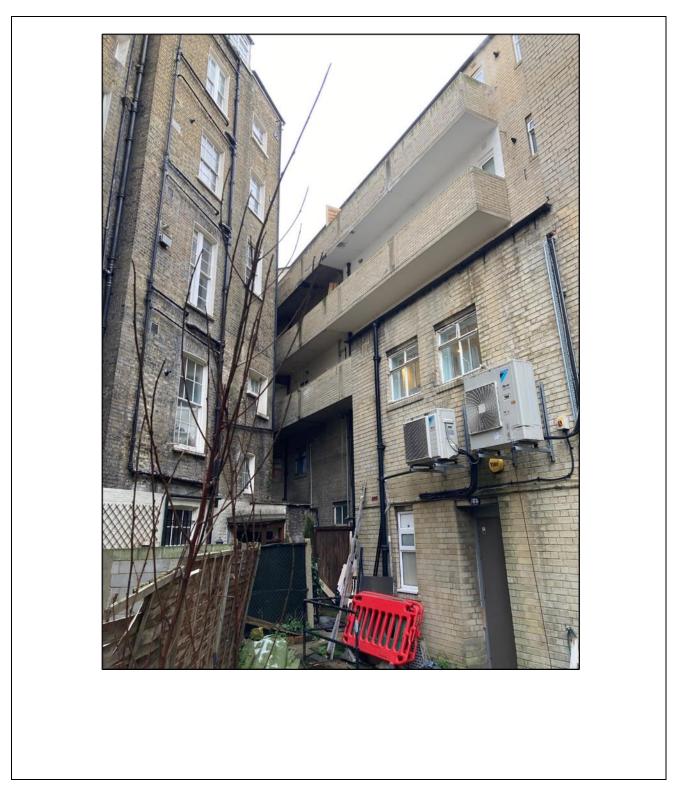
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5		

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

5.1 Application Consultations

PIMLICO FREDA

Objection. Application is invalid as incorrect ownership certificate submitted and the applicant, due to restrictions on their lease, would not have authorisation to use the outside of the building or the courtyard to the rear of the building for the installation of plant.

WESTMINSTER SOCIETY No response received.

PIMLICO NEIGHBOURHOOD FORUM No response received.

ENVIRONMENTAL HEALTH No objection, subject to conditions.

ADJOINING OWNERS/OCCUPIERS: No. Consulted: 25

PRESS NOTICE/ SITE NOTICE: Yes

Total No. of replies: 12 from 8 individuals No. of objections: 12 from 8 individuals No. in support: 0

Twelve objections have been received to this application from eight individuals, all owners or occupiers of the flats above the subject premises or of properties on adjoining roads. The grounds for objection raised can be summarised as follows:

Residential Amenity

- Unacceptable noise and vibration impacts on nearby residential occupiers.
- Cumulative impacts of proposal alongside plant at neighbouring premises has not been adequately considered.

Other Matters

- Applicant does not have permission in lease to install external equipment in courtyard.
- Inaccuracies on application form.

Many objections also raise the history of the subject site and neighbouring premises.

5.2 Applicant's Pre-Application Community Engagement

The Council's Early Community Engagement Guidance document does not suggest

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developers carry out early community engagement.

6. WESTMINSTER'S DEVELOPMENT PLAN

6.1 City Plan 2019-2040 & London Plan

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.2 Neighbourhood Planning

The Pimlico Neighbourhood Plan includes policies on a range of matters including commercial uses, design and heritage, housing and hotels, open spaces, pedestrian and transport facilities and protecting the environment.

It has been through independent examination and was supported by local residents in a referendum held on 22 September 2022. It was adopted on 7 December 2022. It therefore forms part of the development plan for Westminster for development within the Pimlico Neighbourhood Area in 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 have been discussed 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

54 - 56 Lupus Street is a commercial unit (Class E) used by a glazing company, Sky Bespoke Glass, for the sale and distribution of glazing for construction or decoration

purposes. The unit forms part of a 1950's four storey unlisted building which comprises a parade of commercial units at basement and ground floor levels with flats above (known as Neate House). The building fronts onto Lupus Street with the rear facing the private gardens of the residential properties along St George's Drive and Cambridge Street. The site is within the Pimlico Conservation Area and Lupus Street Local Centre.

7.2 Recent Relevant History

Planning Applications

On 28 June 2022, the Council refused permission for the installation of two airconditioning units on the ground floor rear elevation (RN: 22/01369/FULL) for the following reasons:

- Because of their location and lack of screening, the condenser units would contribute to a cluttered façade and would harm the appearance of this building and fail to maintain or improve (preserve or enhance) the character and appearance of the Pimlico Conservation Area. This would not meet Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021).
- Because of their location on the rear wall within 1m of noise sensitive properties, and without any acoustic mitigation measures, the air conditioning units would be harmful to residential amenity by reason of noise and vibration. This means that the plant would be a nuisance to the people living in neighbouring properties which would not meet policies 7 and 33 of the City Plan 2019 - 2040 (April 2021).

On 23 April 2020, the Council granted permission for the installation of replacement shopfront (RN: 20/01197/FULL).

Enforcement

On 17 December 2020, the Council wrote to the owners/ other relevant parties warning that they had installed unauthorised air conditioning units and planning permission should be obtained. (RN: 20/73645/K)

On 12 January 2022, the Council again wrote to the owners/ other relevant parties warning that they had installed unauthorised air conditioning units and planning permission should be obtained. (RN: 20/73645/K)

On 12 July 2022, the Council wrote to the owners/ other relevant parties again outlining the air conditioning units are unauthorised and that as permission for the units had been refused on 28 June 2022 they should be removed. (RN: 20/73645/K)

8. THE PROPOSAL

This application seeks to overcome the reasons for refusal of application for planning permission refused on 28 June 2022 by locating two proposed new external air conditioning units in an enclosure at courtyard level, rather than keeping the two existing, unauthorised external air conditioning units in place in their location above the basement level door and without an enclosure.

9. DETAILED CONSIDERATIONS

9.1 Land Use

The development raises no land use implications.

9.2 Environmental & Sustainability

Policy 38 of the City Plan seeks to ensure development responds to the likely risks and consequences of climate change. The policy envisages achieving this in a way which means the need for plant and machinery is reduced. As such, natural ventilation of buildings should be the starting point to avoid the use of mechanical systems. However, in this case because the application relates to a relatively small commercial unit in an existing building, there are limited options to improve the internal temperatures to provide a comfortable environment for workers and customers. Therefore, the air conditioning units are not opposed on sustainability grounds.

9.3 Biodiversity & Greening

Given the scale and nature of the development there is no opportunity for greening.

9.4 Townscape, Design & Heritage Impact

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."

Policy 38 of the City Plan requires that development positively contributes to Westminster's townscape. Policy 39 of the City Plan requires that development preserve or enhance the character and appearance of Westminster's conservation areas. Policy 40 of the City Plan requires development to be sensitively designed having regard to the surrounding townscape and that extensions and alterations respect the character of the existing and adjoining buildings.

Policy PIM 4 of the Pimlico Neighbourhood Plan requires development in the Pimlico Conservation Area to demonstrate well-detailed, high quality, sustainable and inclusive design and architecture which preserves and enhances the historic character of the conservation area.

The previously refused air-conditioning units were in part considered unacceptable due to their location, cumulative appearance with other air-conditioning units on the rear elevation of the wider host building and their lack of enclosure, resulting in a cluttered appearance detrimental to the character and appearance of the host building and conservation area when viewed from private views.

This proposal will enclose the units and place them at ground level. This will soften their appearance, not result in any cluttering of the rear of the building and is therefore considered not to harm the character and appearance of the host building or the conservation area. It is, therefore, considered acceptable in conservation and design terms. It is considered necessary that further detailed drawings of the enclosure is provided and that it is finished in a grey colour to further soften the proposal's appearance. The draft decision includes recommended conditions which will ensure this.

9.5 Residential amenity

Policy 7 of the City Plan 2019-2040 (April 2021) requires development to be neighbourly by protecting amenity and local environmental quality.

Policy 33 of the City Plan requires that development prevents adverse effects of noise and vibration, including by minimising noise from plant machinery.

Policy PIM 1 of the Pimlico Neighbourhood Plan requires proposals in the Lupus Street Local Centre to protect residential amenity.

The Environmental SPD sets out noise thresholds for which plant machinery should operate so to not disturb residential neighbours.

Objectors have primarily raised concern about the impact of noise and vibration from the proposed air-conditioning units.

The applicant has submitted an acoustic report (dated August 2022) supporting the application. This report measures the existing minimum background noise level as 44 dB during the day and the ambient background noise level as 54 dB during the day (which does not exceed World Health Organisation (WHO) guideline levels for ambient noise levels in a city). The report also notes the nearest residential window is 5 metres from the proposed equipment. The Environmental SPD sets a threshold of noise levels for non-tonal plant equipment and requires it to be less than 5 dB below the minimum background noise level at the nearest residential window (noise sensitive receptor). Without an acoustic enclosure around the units, the report notes that equipment will fail to meet this threshold, but that with the proposed acoustic enclosure (that will provide a 15 dB reduction) it will achieve it. The acoustic report notes that with the reduction provided by the enclosure, the noise at the nearest residential property will be 9 dB below the threshold required by the Environmental SPD. Additionally, the applicant is only seeking authorisation to use the units between 0800 and 1700 on Mondays to Fridays.

Given the above, the Council's Environmental Health Team do not object to the proposal subject to conditions securing that: the development abides by the Council's noise thresholds; its hours of operation are limited to between 0800 and 1700 on Mondays to Fridays; and the units are installed such that they limit the amount of vibration transferred to neighbouring properties. A condition will also ensure that the enclosure is installed prior to the units being turned out.

Some objectors have raised concern regarding the cumulative impact of the equipment

to the rear of this building. In relation to the application site, a condition will require the existing unauthorised units are removed. In relation to adjacent commercial properties at this building, the objectors raise concern regarding the equipment at 58-60 Lupus Street for which the Council is currently considering planning applications and there is an open enforcement investigation. The cumulative noise impact of equipment is not normally a significant concern. This is because when two noise sources combine the additional increase in decibels will be relatively marginal as the decibel scale is logarithmic. Moreover, in this case, the acoustic enclosure will ensure the noise from this equipment is significantly below the existing minimum background level at the neighbouring residential properties. Nonetheless, in light of the concerns from residents, it is considered necessary for the applicant to provide a post-commissioning noise survey to ensure that the approved equipment, once installed, does in fact meet the Council's noise thresholds.

The proposed air conditioning units and their enclosure, by virtue of their size and location, will not detrimentally impact neighbouring residential amenities in other respects such as loss light or increased sense of enclosure.

Overall, subject to the above-mentioned conditions, the proposal is considered acceptable in terms of its impacts on residential amenity and complies with Policies 7 and 33 of the City Plan and Policy PIM 1 of the Pimlico Neighbourhood Plan and the Environmental SPD.

9.6 Transportation, Accessibility & Servicing

There are no transportation, accessibility or servicing implications.

9.7 Other Considerations

FREDA and some other objectors raised that they consider the application to be invalid as the applicant had not certified that they had notified all entities with an ownership interest in the land. The applicant has subsequently certified that they have notified all entities with an ownership interest in the land, including the long leaseholder with demise over the rear courtyard where the air conditioning units would be placed, by completing and signing Certificate B on the updated application form they submitted on 13 April 2023. Officers, therefore, consider the application to be valid.

FREDA and some other objectors raised that the applicant may not be authorised to install external equipment in accordance with their lease. While issue is not planning consideration, officers have seen the applicant's lease and, while freeholder permission is required, there does not appear to be any other impediment to the developer implementing the proposed development if planning permission were granted.

9.8 Economy including Employment & Skills

The development will not result is any notable economic benefits.

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 and no precommencement conditions are recommended.

10. Conclusion

The proposed external air conditioning units, due to their proposed location and enclosure and subject conditions securing their noise and vibration impacts and appearance of the enclosure, will be acceptable in terms of their impact on neighbouring amenities and the character and appearance of the host building and the Pimlico Conservation Area. The proposal therefore complies with the City Plan and Pimlico Neighbourhood Plan and it is recommended that conditional planning permission is granted accordingly.

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

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

11. KEY DRAWINGS





DRAFT DECISION LETTER

Address: 54 - 56 Lupus Street, London, SW1V 3EE

Proposal: Installation of two air-conditioning units to rear in ground level enclosure adjacent to basement.

Reference: 22/06175/FULL

Plan Nos: OS Plan 54-56 Lupus Street; 341-PRE-EXT-01; 341-PROP-03.

Case Officer:	Max Leonardo	Direct Tel. No.	020 7641
			07817095744

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) and Policy PIM 1 of the Pimlico Neighbourhood Plan 2021-2040 (December 2022). (R11AD)

3 You must apply to us for approval of detailed drawings (including sections at 1:10) of

the ground level enclosure.

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 carry out the work according to these details.

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 Pimlico Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021) and Policy PIM 4 of the Pimlico Neighbourhood Plan 2021-2040 (December 2022). (R26BF)

4 You must install the enclosure shown on the approved drawings before you use the machinery. You must then maintain the enclosure in the form shown for as long as the machinery remains in place. (C13DB)

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 Pimlico Conservation Area as well as to protect neighbouring residents from noise nuisance. This is as set out in Policies 7, 33, 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021) and Policies PIM 1 and PIM 4 of the Pimlico Neighbourhood Plan 2021-2040 (December 2022). (R26BF)

5 The enclosure shall be finished and maintained grey.

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 Pimlico Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021) and Policy PIM 4 of the Pimlico Neighbourhood Plan 2021-2040 (December 2022). (R26BF)

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

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

residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

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

(b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;

(c) Manufacturer specifications of sound emissions in octave or third octave detail;(d) The location of most affected noise sensitive receptor location and the most affected window of it;

(e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;

(f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;

(g) The lowest existing LA90 (15 minutes) measurement recorded under (f) above;(h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;

(i) The proposed maximum noise level to be emitted by the plant and equipment. (C46BC)

Reason:

As set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021), Policy PIM 1 of the Pimlico Neighbourhood Plan 2021-2040 (December 2022) 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 The plant/machinery hereby permitted shall not be operated except between 0800 hours and 1700 hours on Mondays to Fridays. (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), Policy PIM 1 of the Pimlico Neighbourhood Plan 2021-2040 (December 2022) and the Environmental Supplementary Planning Document (February 2022). (R46CC)

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

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021), Policy PIM 1 of the Pimlico Neighbourhood Plan 2021-2040 (December 2022) and the Environmental Supplementary Planning Document (February 2022). (R48AB)

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 condition(s) 6 and 8 of this permission.

Reason:

As set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021), Policy PIM 1 of the Pimlico Neighbourhood Plan 2021-2040 (December 2022) 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)

10 You must remove the unauthorised air conditioning units to the rear of the premises within two (2) months of the date of this permission.

Reason:

In the interests of amenity, pursuant to Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and Policy PIM 1 of the Pimlico Neighbourhood Plan 2021-2040 (December 2022).

Informative(s):

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

2 HIGHWAYS LICENSING:

Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please visit our website at www.westminster.gov.uk/guide-temporary-structures.

CONSIDERATE CONSTRUCTORS:

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

BUILDING REGULATIONS:

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

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.