

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 14 August 2018	Classification For General Release	
Report of Director of Planning		Ward(s) involved Marylebone High Street	
Subject of Report	10 Wimpole Street, London, W1G 9SS		
Proposal	Excavation of additional basement floor and extension of existing lower ground floor. Erection of replacement rear extension at ground floor level and formation of first floor terrace, and fourth floor terrace. Erection of mansard roof to the mews building. Use of basement and lower ground floor as a granny annex and ground to fourth floors as a single family dwelling (Class C3). Internal and external alterations including new lift and lift shaft.		
Agent	Urban Mesh Design Ltd		
On behalf of	Mr & Mrs Michael & Emma Phillips		
Registered Number	18/01589/FULL 18/01590/LBC	Date amended/ completed	1 March 2018
Date Application Received	23 February 2018		
Historic Building Grade	Grade II		
Conservation Area	Harley Street		

1. RECOMMENDATION

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

2. SUMMARY

The site contains two buildings; 10 Wimpole Street (the main building) and its respective mews building, known as 19 Wigmore Place. The main property was last in use as six annexes/flats – albeit not self contained units. The upper floor of the mews appears to have been used independently from the rest of the site.

Permission is to convert the site into a single family dwelling with a granny annex at basement level. A number of extensions and alterations are proposed to facilitate this.

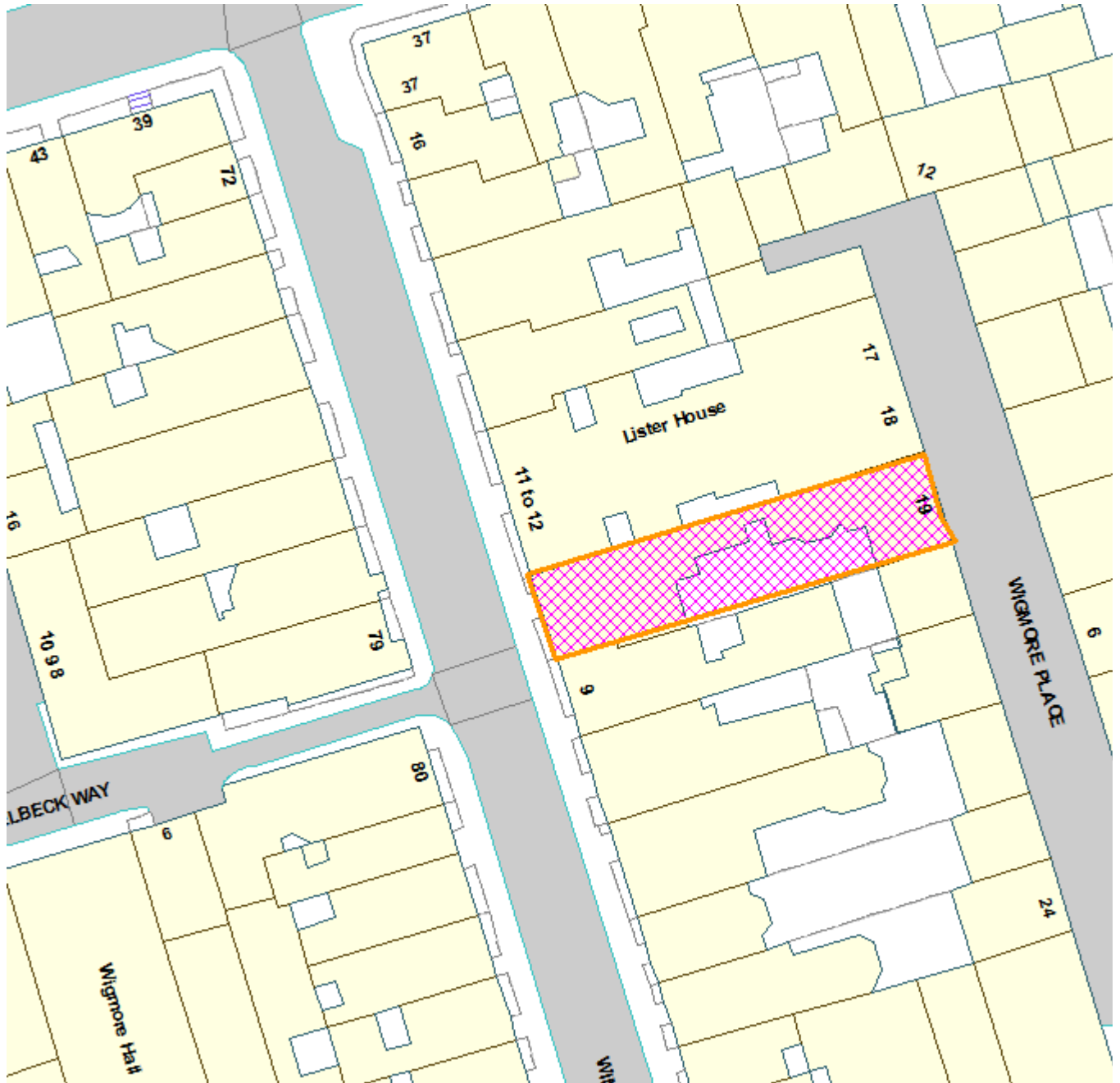
The key issues are considered to be:

- The impact on the amenity of adjoining properties

- The impact on the character and appearance of the Harley Street Conservation Area

The proposal would preserve or enhance the character and appearance of the Portman Estate Conservation Area and the significance of the listed building. It is not considered that there would be any unacceptable harm to neighbours' living conditions, for the reasons set out in the main report, and the proposal is therefore recommended for approval.

3. LOCATION PLAN



4. PHOTOGRAPHS

Photograph 1: Front of 10 Wimpole Street



Photograph 2: View towards the rear of 10 Wimpole Street



Photograph 3: View towards the rear of 19 Wigmore Place



Photograph 4: Front elevation of 19 Wigmore Place



5. CONSULTATIONS

MARYLEBONE ASSOCIATION:

Objection:

- Extensions do not contribute to the architectural or historical significance of the property
- Additional storey would imbalance the hierarchy of spaces, as does the removal of ceilings at fourth floor level.
- Additional storey to the mews is not appropriate scale
- Loss of four residential units is regrettable, although notes that the return to a single family dwelling is in keeping with policy.
- Maintenance of planting between 10/11 Wimpole Street should be secured to avoid overlooking

HISTORIC ENGLAND:

The application should be determined in accordance with national and local policy guidance and on the basis of the City Council's specialist conservation advice.

HIGHWAYS PLANNING MANAGER: No objection

ENVIRONMENTAL HEALTH: No objection

CLEANSING MANAGER: No objection

BUILDING CONTROL: No objection

ARBORICULTURAL OFFICER: No objection

ANCIENT MONUMENTS SOCIETY: Any response to be reported verbally.

COUNCIL FOR BRITISH ARCHAEOLOGY: Any response to be reported verbally.

THE GEORGIAN GROUP: Any response to be reported verbally.

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

TWENTIETH CENTURY SOCIETY: Any response to be reported verbally.

THE VICTORIAN SOCIETY: Any response to be reported verbally.

ADJOINING OWNERS / OCCUPIERS

No.of consultees: 81 (Objections: 1; Representations: 0; Supporting: 0)

One objection raises the following points:

- Loss of light from first floor alterations
- Loss of privacy from terraces
- Increased noise from terrace use at fourth floor level and first floor
- Noise and vibration impact from plant adjacent to 18 Wigmore place
- Residential uses at Lister House
- Risk of damage from basement excavations

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The subject site contains two buildings; 10 Wimpole Street which is the main building and Grade II listed and 19 Wigmore Place to the rear which is unlisted but identified as a building of merit. The first and second floors of the mews building are outside of the application site, being a separate unit of residential accommodation. The townhouse has a number of rear extensions which historically linked through to the building at the rear of the site.

The entire site is located within the Harley Street Conservation Area, the Core Central Activities Zone (Core CAZ) and the Harley Street Special Policy Area. The property falls outside of a Archaeological Priority Area.

10 Wimpole Street is currently occupied as a single family dwelling, although it was previously configured as 6 residential units. There is no formal planning record of this subdivision and the property appears to have been occupied in this manner by a large family since the 1980s. The units are not entirely self-contained as a number of rooms and hallways directly open onto a shared central stairwell without any separation from lockable doors. This is in part reflected by council tax records for the property which formally recognises three dwellings; a Flat at 10 Wimpole Street, a basement flat at 10a Wimpole Street, and the mews building to the rear (19 Wigmore Place).

6.2 Recent Relevant History

Planning History: 19 Wigmore Place
90/03589/LBCX

Conversion of existing 2 storey mews house into 3 storey mews - granted 07/03/1991

90/03551/FULL

Erection of mansard storey for use as one flat & internal & external alterations – (Amended scheme – revisions to design of front elevation) - granted 07/03/1991

7. THE PROPOSAL

The application proposes a number of extensions and alterations to the building and its reversion to a single family dwellinghouse (with 'granny annex' at basement level). Most notably, a new sub-basement is proposed to be excavated beneath the footprint of the original main building (including front lightwell and pavement vaults) and the existing basement level is proposed to be extended beneath part of the rear garden and beneath the mews building. New terraces are proposed above the rebuilt rear extension and at roof level (hidden behind a dummy slate-clad mansard screen). A number of internal alterations are also proposed, including the provision of a new lift shaft.

At sub-basement level there would be a series of service vaults located underneath the existing pavement vaults at basement level. A cinema, bar/games room and a swimming pool with sauna and steam rooms. Stairs would provide access from sub basement level, to the basement hall, and from the sub-basement pool room to the basement level link extension.

At basement there would be a kitchen and utility room within two of the vaults, and the third vault would be used for cycle parking and refuse storage. There would be a living room, three en-suite bedrooms, a further kitchen and utility room that connect through to a corridor with two changing rooms, that would link the main building with the mews. There would be two store rooms and a yoga room underneath the mews building, and a staircase would lead to the ground floor link extension, garden and garages.

The basement level would be independently accessible from stairs within the front lightwell. There would also be a set of stairs within a basement level lightwell that would provide independent access from the lower ground and basement to the main garden.

At ground floor level there would be a reception room, study and dining room, the ground floor link extension would provide a kitchen which would link to a living room within the ground floor of the mews building, within which would be two garages.

At first floor level there would be a drawing room, dining room and bar/kitchenette which would lead to a first floor roof terrace above the ground floor link extension. At the rear of the terrace there would be study within the rear wing of the mews house.

At second floor level there would be a bedroom, two dressing rooms and an en-suite bathroom. The second floor of the mews building would accommodate plant equipment.

At third floor level there would be three further bedrooms, 2 of which would be en-suite. And at fourth floor level there would be a kitchen, en-suite bedroom and living room with a terrace.

In total, there would be three bedrooms within the basement annex, and five bedrooms to the main dwelling. A lift would serve all floors of the main property at 10 Wimpole Street including the fourth floor terrace.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Policy S14 of the City Plan sets out that all residential uses and floorspace will be protected. It states that proposals which would result in a reduction in the number of residential units on a site will be unacceptable, except where a converted house is being returned to a family sized dwelling, or dwellings.

UDP policy H3 sets out that proposals to extend existing housing will be acceptable in principle. The proposals to extend the property are therefore not considered to be contentious in land use terms.

The application would revert a property that has loosely been converted to six flats, back to a single family dwelling, with a granny-annex at basement level. The main dwelling would be linked to a granny annex via two internal staircases and a lift. It is noted that with the installation of lockable doors, it may be possible to use parts of the basement entirely independently from the main dwelling. Given that the main garden area and large parts of the sub-basement would be shared, and the number of connections to the main dwelling, the annex is considered incidental to the enjoyment of the main dwelling house and not a separate planning unit.

The Marylebone Association has objected to the proposals on the grounds that there would be a loss of residential units. As stated, the six units are not entirely independent from each other, and historically the entire premises has been occupied by a single family living in the six flats. In any event, it is considered that the proposal would be in accordance with policy S14 of the City Plan since the premises would be converted back to a family sized dwelling and UDP Policy DES 10 that supports returning listed building back to their original use. The proposals are therefore also considered to comply with the intent of UDP policy H3.

8.2 Townscape and Design

This is a mid 18th century town house, with late Victorian / Edwardian alterations. The main special interest relates to the original building; the later extensions at the rear are of lesser importance.

The important elements of the interior are retained and respected. The top floor is a later extension and is not of special interest. The proposal to remove part of the rear of this Victorian roof to create a small terrace is acceptable. It will be enclosed by a roof-like screen. At the rear of the mews building a roof level plant area is proposed. This would also be screened in an appropriate manner and is acceptable.

The later rear extension will be demolished and replaced with a new wing of traditional design. There would be no loss of important historic fabric and the proposed replacement building is appropriate. This is considered acceptable in historic building terms.

The front facade will be improved through the reintroduction of multi-pane timber sash windows. This is a public benefit, to the listed building and the Harley Street Conservation Area.

The proposed sub-basement extension under the main house will not harm the internal hierarchy of the building and its special interest, and this is considered acceptable in policy terms. Similarly the single storey basement under the mews building will not harm the character and appearance of the conservation area or the setting of the listed building.

The proposals will not harm the special interest of the listed building and will preserve the character and appearance of the conservation area. They are acceptable in urban design and conservation policy terms and compliant with the relevant policies of the City

Plan and Unitary Development Plan, including S25, S28, DES 1, DES 4, DES 5, DES 6, DES 9 and DES10.

8.3 Residential Amenity

Policy S29 of the City Plan relates to health, safety and wellbeing and states that the Council will resist proposals that would result in an unacceptable material loss of residential amenity. Policy ENV13 of the UDP aims to safeguard residents' amenities, and states that the City Council will resist proposals which result in a material loss of daylight/sunlight, increase in the sense of enclosure to windows or loss of privacy or cause unacceptable overshadowing to neighbouring buildings or open spaces.

Lister House adjoins the site to the north, and the first floor of the rear mews wing (18 Wigmore Street) is in residential use. Contrary to the applicant's submission, the second floor of 18 Wigmore Street appears to be in commercial use.

Records indicate that number 9 Wimpole Street (due south) pays both commercial rates and residential council tax, and the third and fourth floors appear to be in residential use.

Beyond this, the nearest neighbouring residential properties are located to the rear, at 20 Wigmore Place, and due south; 5 flats at 8 Wimpole Street.

Privacy & Sense of Enclosure

The proposed ground floor link extension would be located against an existing boundary wall with Lister House. Sets of double doors would open onto the rear garden at 10 Wimpole Street which is bounded to the south by a boundary wall comprising part of a rear extension at 9 Wimpole Street. This element of the proposal is not considered to cause any harm to any neighbours' amenity by way of sense of enclosure or loss of privacy.

The proposal includes a terrace at first floor level above the link extension between the main dwelling and the mews house. The terrace would be set back from the boundary with Lister House by 1.8m and a planted privacy screen would be installed along the north boundary, which would be 1.5m high. One objection has been received on the grounds that this element would cause loss of privacy. Owing to the positioning of rear extension of the mews building, approximately half of the proposed terrace would have very limited, or no views into the residential accommodation at 18 Wigmore Street. It is noted that there may be some overlooking from the portion of the terrace immediately to the rear of the main dwelling, however this is set back from neighbouring residential windows to a degree that would be considered a normal domestic relationship. Further, the proposed privacy screen would limit any views from the terrace, and it is not considered that this element of the proposal would give rise to an unacceptable loss of privacy.

At fourth floor level it is proposed to extend an existing roof terrace, install a glass balustrade around the existing pyramid rooflight, additional planters and a metal clad lift access. It is noted that one objection raises concerns that this would result in loss of privacy. Lister House has a courtyard of windows adjacent to an existing roof terrace in this area. The windows serve rooms which are in commercial use, and which are not habitable spaces and cannot be afforded the same level of protection as residential

uses. As such, there would be no unacceptable harm to amenity at Lister House. The enlargement of the existing terrace is not considered to cause any loss of privacy to any other neighbouring properties.

Noise

One objection has been received on the grounds that the proposed terraces would result in noise disturbance. Given that the property will be used as a single family dwelling, any noise would be of a limited domestic nature. There is also an existing terrace at fourth floor level and an existing balcony at first floor level. On balance, it is not considered that the proposals would result in any unacceptable noise disturbance to neighbouring properties.

Sunlight and Daylight

Under the BRE guidelines the amount of daylight received to a property may be assessed by the Vertical Sky Component which is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the window will have the potential to provide good levels of daylight. The guidelines also suggest that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change. The BRE guidelines seek to protect daylighting to living rooms, kitchens and bedrooms. The submitted daylight and sunlight report sets out that all neighbouring rooms will pass the BRE minimum requirements for VSC

A second commonly used measure is the daylight distribution test: this plots the 'no sky line', points on a working plane (in residential accommodation this is the horizontal 0.85m high) in a room which can and cannot see the sky. Comparing the existing situation and proposed daylight distributions helps assess the likely impact a development will have. If, following construction of a new development, the no sky line moves so that the area of the existing room, which does not receive direct skylight, is reduced to less than 0.8 times its former value, this is likely to be noticeable to the occupants. All neighbouring windows are demonstrated to pass the daylight distribution tests where the room layouts are known.

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 total loss over the whole year is greater than 4%, then the loss would be noticeable. Only those windows facing within 90 degrees of due south require testing. All neighbouring windows would pass the BRE requirements for sunlight.

One objection has been received on the grounds of loss of light. The submitted daylight and sunlight report demonstrates that the scheme would fully comply with BRE daylight and sunlight requirements. It is therefore considered that there would be no harm to neighbours' living conditions.

8.4 Transportation/Parking

Car Parking

Two off street parking spaces would be provided within the ground floor of the mews property (19 Wigmore Place). Whilst it is undesirable that the garage doors open out onto Wigmore Place, it is recognised that this is a long-standing arrangement and that there are other properties along Wigmore Place with similar door openings. As such, it is not considered sustainable to refuse the application on this basis.

Cycle Parking

Two cycle parking spaces would be provided within the front vault at basement level, and four cycle parking spaces would be located within the garages to the rear (19 Wigmore Place). This meets the requirements set out in the London Plan, and would be acceptable.

8.5 Economic Considerations

The economic benefits arising from the improved residential accommodation in this location are welcomed.

8.6 Other UDP/Westminster Policy Considerations

Plant

The proposed plant equipment would consist of:

- 3No. Daikin RXYSQ10TY1
- 1No. Daikin RZAG71MV1
- 1No. Heatstar XFEC 500

Plant equipment would be located within the basement vaults at sub-basement level and within the mansard roof extension to the rear wing of the mews building. The Council's Environmental Health Officer has reviewed the acoustic report and confirms that with the specified noise attenuation measures, distance attenuation and shielding the installation should satisfy the requirements of condition

Refuse /Recycling

The proposed waste and recycling storage arrangements would be in line with the requirements of the City Council.

Trees

There is a large London Plane tree located within the rear garden of 9 Wimpole Street, which is adjacent to the boundary with the application site.

Amended details and additional trial pit investigations have been carried out since the original submission. The applicants have confirmed that the existing boundary wall to 9 Wimpole Street has foundations 1m deep and that there will be retained and used for the proposed new wall. The middle section of the proposed wall will be timber panelled fencing in order to accommodate the tree.

It is considered that subject to a condition requiring full details of tree protection measures, the proposed works would not cause harm to the London Plane Tree.

8.7 London Plan

This application raises no strategic issues.

8.8 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

8.9 Planning Obligations

The application does not trigger any planning contributions.

8.10 Other Issues

Basement

Policy CM28.1 of the City Plan sets out that all applications for basement development should be accompanied by a detailed structural methodology statement and include a separate flood risk assessment. It also requires Basement development for existing residential buildings to be accompanied by a satisfactory landscaping scheme, and should not result in the loss of trees of townscape or amenity value.

The Council's Building Control Officer has assessed the submission and confirms that the proposals would have a negligible impact on local flooding and the water table.

The underpinning of the proposed basement would be acceptable in principle, however it is noted that the proposed varying depths of foundations could result in harm to the existing foundations of the neighbouring buildings, Further detail on mitigation of construction damage will be captured by the building control process, and it follows that planning permission cannot be sustainably withheld on these grounds.

Part B of Policy CM28.1 sets out that basement extensions to existing residential dwellings should provide a satisfactory landscaping scheme incorporating soft landscaping and planting as appropriate. Planting is proposed throughout the garden and terraces, which represents an improvement to the current landscaping of the site. The applicant has also submitted an arboricultural report and method statement which demonstrate that the scheme would not result in the loss of nearby trees.

The proposal is considered a significant improvement to the current layout of the property. Large rooflights currently dissect the rear garden space and are not sensitively designed or discreetly located. These would be removed and replaced by smaller, more appropriate lightwells to the rear of the property. The proposal is therefore considered to comply with part B of policy CM28.1.

Part C of Policy CM28.1 states that basement development to existing residential dwellings should not extend beneath more than 50% of the garden land. In this instance the proposed basement level would match the footprint of the existing basement to the property and extend beneath the footprint of the rear extension. Whilst this is just over 50% of the existing rear garden area, given that the proposed sub-basement level would not extend beyond the footprint of the existing basement and the extended basement would be beneath existing extensions, the scheme is considered to be acceptable

The proposal has been amended to remove an additional basement level, so that it will not result in the excavation of more than one storey below the lowest original floor level. Overall it is considered the proposed works would comply with part C of policy CM28.1.

Flood Risk

City Plan Policy CM28.1 was adopted in November 2016 in response to concerns over the impact of basement development. One of the concerns relates to the impact on flood risk. Part A (4) of the policy states that basement development should “*not increase or other exacerbates flood risk on the site or beyond*”. The application site is not located within a Flood Risk Zone, nor is it identified in the *Basement Development in Westminster SPD (2014)* as being within a surface water flood risk hotspot.

In flood risk terms, the proposal is considered to be in accordance with City Plan policy CM28.1 and the guidance in the *Basement Development in Westminster SPD (2014)*.

Construction impact

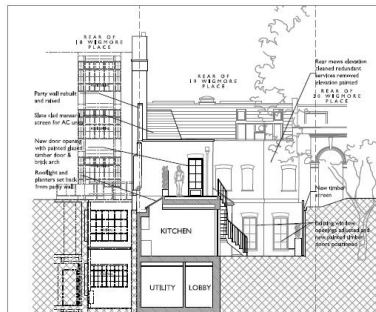
In accordance with City Plan policy CM28.1, the application is accompanied by a detailed structural methodology statement. A signed pro-forma Appendix A is also included with the application, along with a draft Construction Management Plan, demonstrating the applicant’s willingness to comply with the relevant parts of the Code of Construction Practice (CoCP). This will be secured by condition. In terms of construction impact, therefore, the proposal is considered to be in accordance with City Plan policy CM28.1.

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

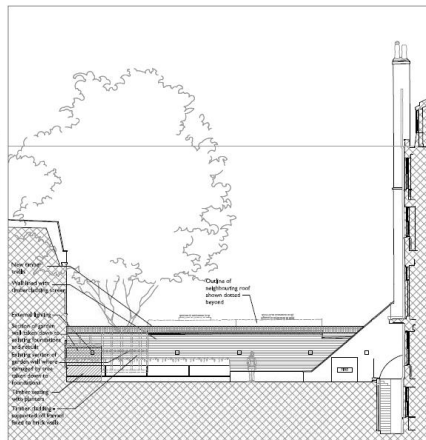
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT mhollington2@westminster.gov.uk



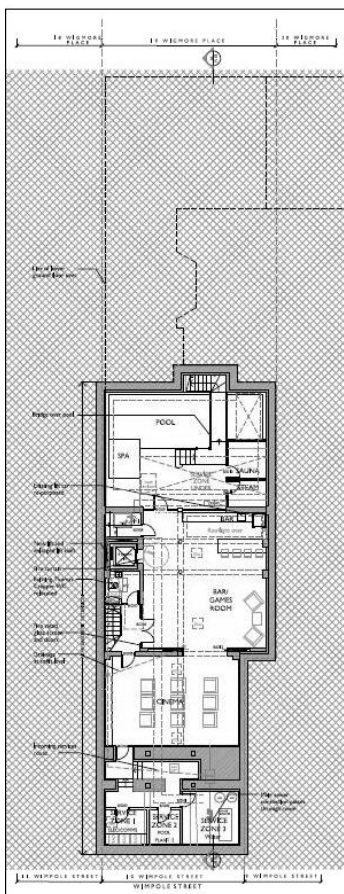
PROPOSED 19 WIGMORE PLACE ELEVATION
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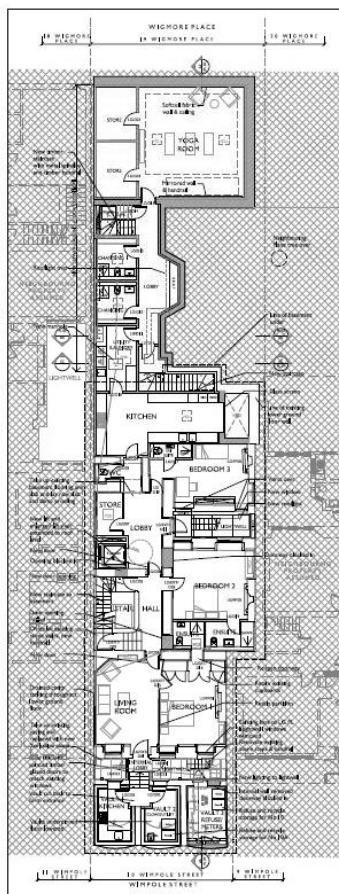
PROPOSED SECTION CC
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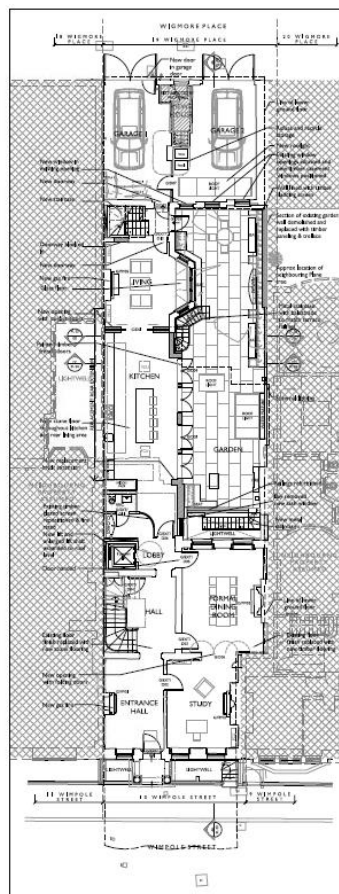
PROPOSED GARDEN WALL ELEVATION TO NO 9
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BASEMENT PLAN
1:100@A1



LOWER GROUND FLOOR PLAN
1:100@A1



GROUND FLOOR PLAN
1:100@A1

PROPOSED BASEMENT, LOWER GROUND & GROUND FLOOR PLANS

Revision	Drawn By	Checked By
Rev. No. 16/02/18	CN	JS
Rev. A. 23/02/18	CN	JS
Rev. B. 11/02/18	CN	JS
Rev. C. 06/06/18	CN	JS
Rev. D. 08/06/18	JS	JS

PLANNING	
Project No.	17F FL PRO 04
Project Name	PROPOSED MEWS ELEVATION & POOL
Scale	1:100
Sheet No.	D

Scale	1:100
North Arrow	↑

Revision	Drawn By	Checked By
Rev. No. 16/02/18	CN	JS
Rev. A. 23/02/18	CN	JS
Rev. B. 11/02/18	CN	JS
Rev. C. 06/06/18	CN	JS
Rev. D. 08/06/18	JS	JS

PLANNING	
Project No.	17F FL PRO 01
Project Name	PROPOSED BASEMENT, LOWER GROUND & GROUND FLOOR PLANS
Scale	1:100
Sheet No.	C

10 WIMPOLE ST, W1
1:100@A1 / 1:200@A3

UTBANK ARCHITECTS
10 WIMPOLE STREET, LONDON, W1P 8DT
020 7613 1000

DRAFT DECISION LETTER (REF: 18/01589/FULL)

Address: 10 Wimpole Street, London, W1G 9SS,

Proposal: Excavation of additional basement floor and extension of existing lower ground floor. Erection of replacement rear extension at ground floor level and formation of first floor terrace, and fourth floor terrace. Erection of mansard roof to the mews building. Use of basement and lower ground floor as a granny annex and ground to fourth floors as a single family dwelling (Class C3). Internal and external alterations including new lift and lift shaft.

Plan Nos: 17F PL DEM 10, 17F PL DEM 11 Rev A, 17F PL DEM 12 Rev A, 17F PL PRO 01 Rev C, 17F PL PRO 02 Rev B, 17F PL PRO 03 Rev E, 17F PL PRO 04 Rev D, 17F SK41, 17F PL DET 01, 17F PL DET 02, 17F PL DET 03, 17F PL DET 04, 17F PL DET 05, 17F PL DET 06, 17F PL DET 07, 17F PL DET 08, 17F PL DET 09, 17F PL DET 10, 17F PL DET 11 Rev A, 17F PL DET 12, 17F PL DET 13 Rev A, 17F PL DET 14 Rev A, 17F PL DET 15 Rev A, 17F PL DET 16 Rev A, 17F PL DET 17 Rev B, 17F PL DET 18, 17F PL DET 19 Rev A, 17F PL DET 20 Rev A, 17F PL DET 21, Arboricultural assessment & Method Statement 17212-AA2-AS dated 17th July 2018, and Barrell Plan Ref: 17212-BT2

Case Officer: Gemma Bassett

Direct Tel. No. 020 7641 2814

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

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

Reason:

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

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

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

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

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

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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

Reason:

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(2) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), 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. (R46BB)

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

Reason:

As set out in ENV6 (2) and (6) of our Unitary Development Plan that we adopted in January 2007, to ensure that the development is designed to prevent structural transmission of noise or vibration. (R48AA)

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

Reason:

To protect neighbouring residents from noise and vibration nuisance, as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007. (R13AC)

- 6 You must only use the garage for people living in this property to park their private motor vehicles. (C22EB)

Reason:

Any other use of the garage would harm the environment of residents and the area generally. This is as set out in S29 of Westminster's City Plan (November 2016) and STRA 25, TRANS 23 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R22DC)

- 7 You must provide each cycle parking space shown on the approved drawings within 3 months of the works being substantially complete. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

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

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

Reason:

To 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 Harley Street Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 9 The planting to the first floor rear terrace shown on proposed section CC, drawing 17F PL PRO 04 Rev D must be at least 1.8m high and must be maintained at this height. If the planting dies, it must be replaced by planting of at least 1.8m.

Reason:

To protect the privacy and environment of people in neighbouring properties. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21BC)

- 10 **Pre Commencement Condition.** You must apply to us for approval of a method statement explaining the measures you will take to protect the trees on and close to the site. You must not start any 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 what you have sent us. You must then carry out the work according to the approved details.

Reason:

To protect trees and the character and appearance of the site as set out in S38 of Westminster's City Plan (November 2016) and DES 1 (A), ENV 16 and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R31CC)

- 11 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising evidence 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 a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in S29 and S32 of Westminster's City Plan (November 2016) and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

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 Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 Please make sure that the lighting is designed so that it does not cause any nuisance for neighbours at night. If a neighbour considers that the lighting is causing them a nuisance, they can ask us to take action to stop the nuisance (under section 102 of the Clean Neighbourhoods and Environment Act 2005). (I39AA)
- 3 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

Your main contractor should also speak to our Environmental Health Service before starting work. They can do this formally by applying to the following address for consent to work on construction sites under Section 61 of the Control of Pollution Act 1974.

24 Hour Noise Team
Environmental Health Service
Westminster City Hall
64 Victoria Street
London
SW1E 6QP

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

- 4 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:
 - * Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;
 - * This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc)

which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm.

It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

- 5 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 6 As the new construction provides support to the highway you are reminded to obtain Technical Approval from the City Council's highways engineers before beginning excavation, to contact Andy Forster on 020-7641-2541 to seek such approval.
You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority).
- 7 You are advised that the Construction Management Plan (CMP) will need be submitted for review 40 working days prior to starting on site. From 2 January 2018 the Council will serve Section 60 Notices on all CoCP basement developments. These Section 60s will reflect the standard CoCP requirements (eg CoCP working hours). Any additional conditions will always be discussed with the principal contractor.

DRAFT DECISION LETTER (REF: 18/01590/LBC)

Address: 10 Wimpole Street, London, W1G 9SS,

Proposal: Excavation of additional basement floor and extension of existing lower ground floor. Erection of replacement rear extension at ground floor level and formation of first floor terrace, and fourth floor terrace. Erection of mansard roof to the mews building. Internal and external alterations including new lift and lift shaft.

Plan Nos: 17F PL DEM 10, 17F PL DEM 11 Rev A, 17F PL DEM 12 Rev A, 17F PL PRO 01 Rev C, 17F PL PRO 02 Rev B, 17F PL PRO 03 Rev E, 17F PL PRO 04 Rev D, 17F SK41, 17F PL DET 01, 17F PL DET 02, 17F PL DET 03, 17F PL DET 04, 17F PL DET 05, 17F PL DET 06, 17F PL DET 07, 17F PL DET 08, 17F PL DET 09, 17F PL DET 10, 17F PL DET 11 Rev A, 17F PL DET 12, 17F PL DET 13 Rev A, 17F PL DET 14 Rev A, 17F PL DET 15 Rev A, 17F PL DET 16 Rev A, 17F PL DET 17 Rev B, 17F PL DET 18, 17F PL DET 19 Rev A, 17F PL DET 20 Rev A and 17F PL DET 21.

Case Officer: Gemma Bassett

Direct Tel. No. 020 7641 2814

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

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

Reason:

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

- 2 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 Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

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

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 4 The new joinery work must exactly match the existing original work unless differences are shown on the drawings we have approved. (C27EA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

- 5 All windows in the main Georgian building shall be single glazed. Double glazed units shall not be used.

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.129 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26ED)

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 March 2012, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations.

The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building.

In reaching this decision the following were of particular relevance:

S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph SPG/HB1-3 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.