

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS SUB COMMITTEE</b>	<b>Date</b> 9 <sup>th</sup> January 2024	<b>Classification</b> For General Release	
<b>Report of</b> Director of Town Planning & Building Control		<b>Ward(s) involved.</b> Lancaster Gate	
<b>Subject of Report</b>	<b>10-11 Lancaster Gate, London, W2 3LH</b>		
<b>Proposal</b>	Change of use from hotel to residential use (Class C3) with associated internal alterations to create 11 new units and external alterations comprising reconfiguration and recladding of the rear extension and restoration of the existing building. (Linked to 23/04045/LBC)		
<b>Agent</b>	Gerald Eve		
<b>On behalf of</b>	Lancaster Gate Investments Limited		
<b>Registered Number</b>	23/04044/FULL& 23/04045/LBC	<b>Date amended/ completed</b>	16 November 2023
<b>Date Application Received</b>	15 June 2023		
<b>Historic Building Grade</b>	Grade II – (Currently on Historic England’s building at Risk Register)		
<b>Conservation Area</b>	Bayswater		
<b>Neighbourhood Plan</b>	Not applicable		

## 1. RECOMMENDATION

1. Grant conditional planning permission, subject to a s106 legal agreement to secure the following planning obligations:-

- a) A financial contribution of £1,421,858 (index linked) towards the provision of Affordable Housing (payable on commencement & associated early and late stage reviews
- b) A financial contribution of £43,653 (index linked) towards the Carbon Off Set Fund (payable prior to the commencement of the development).
- c) 'Be Seen' monitoring and reporting on the actual operational energy performance of the building, including as-built and in-use stage data.
- d) A financial contribution of £3,300.00 (index linked) towards initiatives that provide local employment, training opportunities and skills development and supporting the Westminster Employment service (payable prior to the commencement of the development).
- e) Provision of lifetime car club membership (minimum 25 years) for all 11 flats
- f) The costs of monitoring the S106 agreement.

2.If the legal agreement has not been completed within 3 months of the date of the Committee resolution, then:

a) The Director of Town Planning and Building Control shall consider whether the permission can be issued with additional conditions attached to secure the benefits listed above. If this is possible and appropriate, the Director of Town Planning and Building Control is authorised to determine and issue such a decision under Delegated Powers; however, if not

b) The Director of Town Planning and Building Control shall consider whether permission should be refused on the grounds that it has not proved possible to complete an agreement within the appropriate timescale, and that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Director of Town Planning and Building Control is authorised to determine the application and agree appropriate reasons for refusal under Delegated Powers.

3.Grant conditional listed building consent.

4. Agree the reasons for granting conditional listed building consent as set out in informative on the draft listed building consent decision letter.

## 2. SUMMARY & KEY CONSIDERATIONS

The application proposes extensions and internal and external alterations to this Grade II listed building located within the Bayswater Conservation Area. The building, which has a chequered history as the Averard Hotel, has been vacant for a considerable time and is in very bad condition, as such it is on Historic England's Building at Risk Register. It is now under new ownership and this proposal seeks to bring the building back into use for residential purposes, by extending and restoring the building, balancing current day requirements for a sustainable and functional residential building with the protection of the heritage asset.

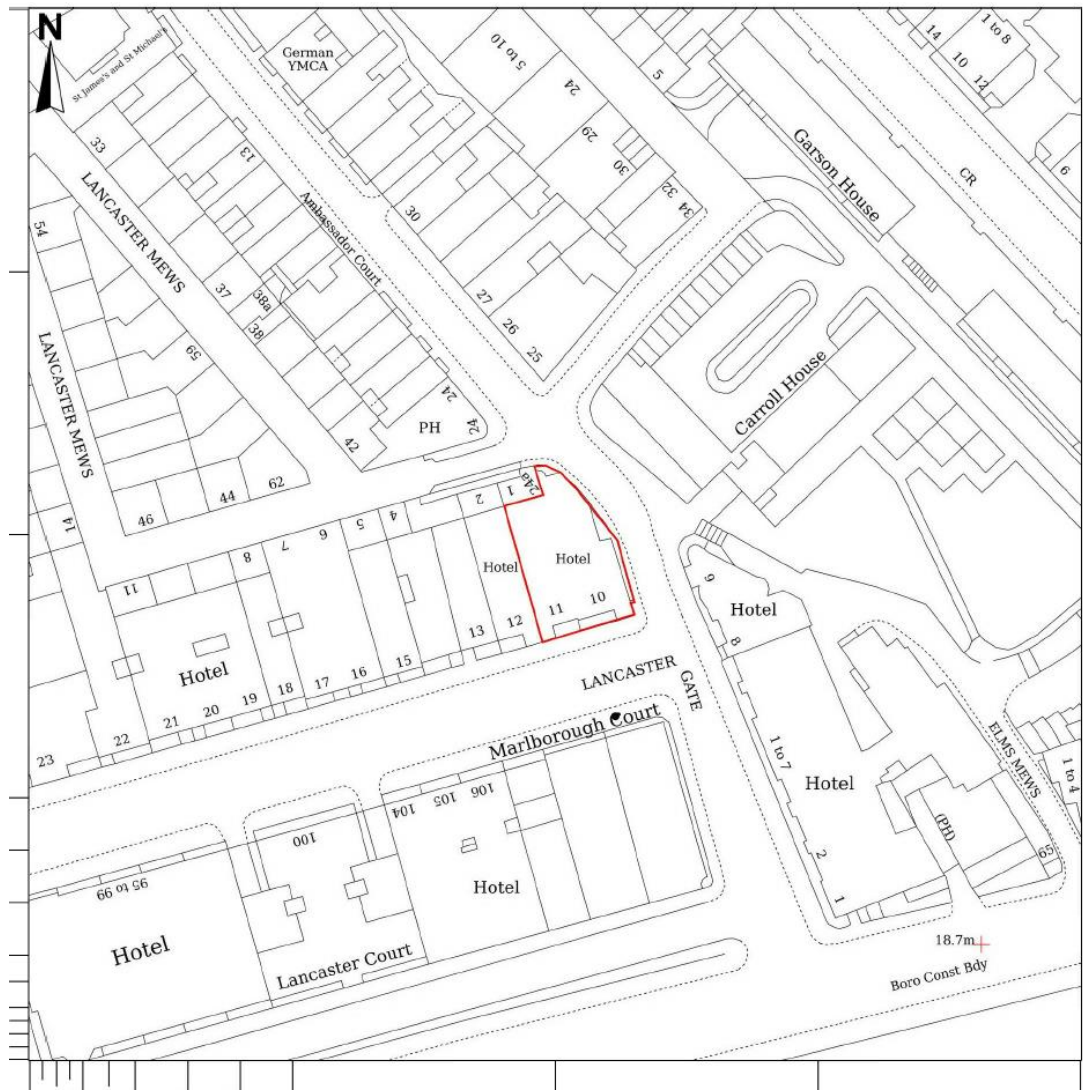
The key considerations in this case are:

- The acceptability of the large residential units
- The acceptability of the proposed affordable housing offer (financial contribution)
- The impact of the proposed extensions and external and internal alterations on the listed building, the character and appearance of the Bayswater Conservation Area and the setting of other nearby designated heritage assets.
- The acceptability of the energy performance of the building as proposed to be extended and altered.
- Whether the development has delivered sufficient biodiversity net gain.

The South East Bayswater Residents Association welcome the proposal to bring the building back into use, as does a resident, no other representations have been received. The proposal has been the subject of considerable discussions with officers in order to get to this position. A viability tested financial contribution towards the provision of affordable housing is proposed, together with early and late stage review mechanisms.

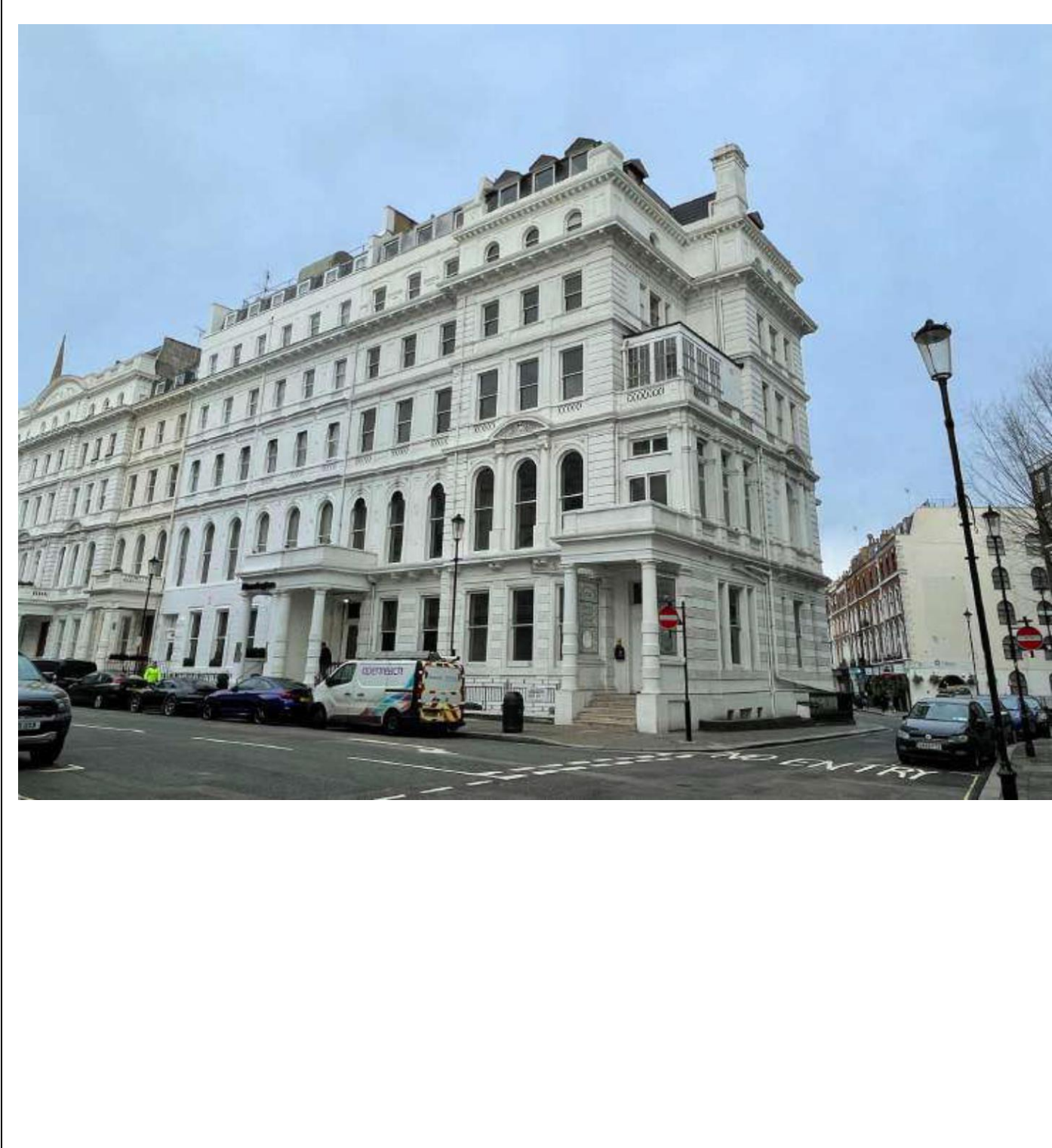
Whilst the proposal would result in some less than substantial harm to the heritage assets, there are also some benefits to the heritage assets together with the public benefits of bringing these buildings back into sound use, providing new residential accommodation and a payment in lieu of affordable housing. The proposal is considered to satisfy other relevant City Plan policies, taking into account any material considerations. As such a favourable recommendation is made, subject to the conditions set out in the draft decision letter and the obligations listed in the recommendation.

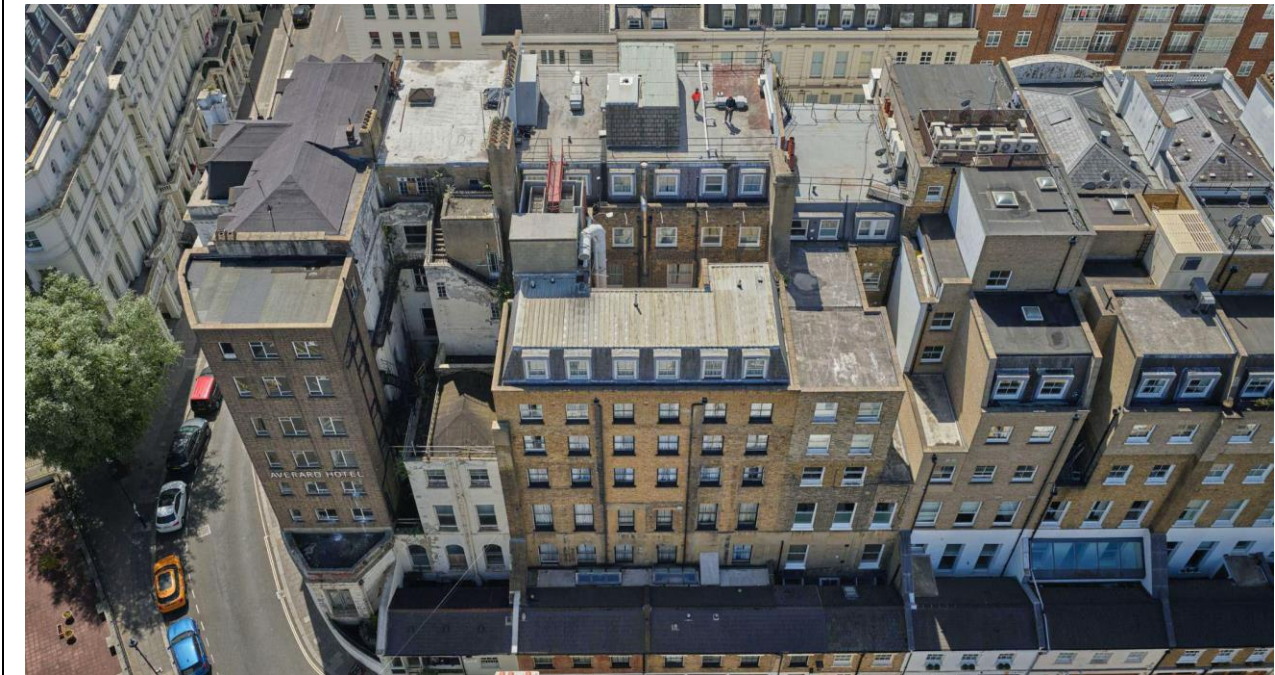
### 3. LOCATION PLAN



This production includes mapping data licensed from Ordnance Survey with the permission of the controller of Her Majesty's Stationary Office (C) Crown Copyright and /or database rights 2013. All rights reserved License Number LA 100019597

4. PHOTOGRAPHS







## 5. CONSULTATIONS

### 5.1 Application Consultations

#### HISTORIC ENGLAND

Authorisation to determine the application for listed building consent.

#### HISTORIC BUILDINGS AND PLACES

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.

#### THE SOCIETY FOR THE PROTECTION OF ANCIENT BUILDINGS

Any response to be reported verbally.

#### THE TWENTIETH CENTURY SOCIETY

Any response to be reported verbally.

#### THE VICTORIAN SOCIETY

Any response to be reported verbally.

#### HEALTH AND SAFETY EXECUTIVE (HSE)

Any response to be reported verbally.

#### AFFORDABLE HOUSING SUPPLY MANAGER

Any response to be reported verbally.

#### SUSTAINABILITY

No objection.

#### ENVIRONMENTAL HEALTH

No objection, (following further information) subject to conditions (Code of construction, Land contamination, noise from plant and machinery and vibration).

#### LEAD LOCAL FLOOD AUTHORITY

Any response to be reported verbally.

#### ARBORICULTURAL MANAGER

No objection, subject to condition to require details of soft landscaping.

#### HIGHWAYS PLANNING MANAGER

No objection, subject to securing lifetime car club membership for residents & cycle storage.

#### WASTE PROJECT OFFICER

No objection (following revisions), subject to condition to requires provision of waste

storage in perpetuity.

#### BUILDING CONTROL

No objection.

#### ECONOMY TEAM

Comment. A financial contribution of £3,300 is required towards initiatives that provide local employment, training opportunities and skills development and supporting the Westminster Employment service. The proposal does not trigger a requirement for an employment and skills plan.

#### PLANNING ENFORCEMENT TEAM (PET)

PET currently have an investigation, 22/77044/N, into the poor condition of the rear elevation of the property. Correspondence has been sent to all parties requesting works be carried out to improve the property's appearance. However, it is noted that the submission of this application (and the linked LBC application) is for extensive remodelling works to the site, which would if granted, result in works to improve the appearance of the rear elevation of the property, alleviating the PETs concerns over the current poor condition. Please assess that application on its own merits.

#### WARD COUNCILLORS FOR LANCASTER GATE

Any response to be reported verbally.

#### SOUTH EAST BAYSWATER RESIDENT'S ASSOCIATION

No objection. We commend the thoroughness of this application and the consultations that have preceded it. We have no objections and look forward to this building finally being put back into use in its prominent location.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 101

Total No. of replies: 1

No. of objections: 0

No. in support: 1

Supports planning application.

#### 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:  
In April 2022 the applicant appointed Kanda consulting, to undertake stakeholder engagement and consultation.



Engagement Method/Event/Activity	Date	Attendance	Summary of Discussions
Key stakeholder engagement with Cllrs and SEBRA, neighbours	18.03.2022-18.07.2022	yes	All matters
Public Exhibitions	21.11.2022 & 23.11.2023	52 people	All matters
Newsletters	15.11.2022	1,877	All matters
Cllr Burbridge (LG Ward at the time)	18.03.2022	yes	Rent Vs Sale, heritage justification for larger flats, regeneration.
SEBRA	05.04.2022	yes	Land use, Affordable housing, vacant building credit, rear elevation, access, lifts, car club.
Cllr Cunningham (LG Ward)	13.06.2022	yes	Rent Vs Sale, heritage justification for larger flats
Cllrs Ormsby and Jude ( LG Ward)	18.07.2022	yes	Affordable housing, heritage status, sustainability

In summary, across the range of engagement undertaken by the applicant the principal issues raised are set out in the table above.

The applicant's Statement of Community Involvement and other application documents identify that the scheme has evolved in response to views and representations expressed during pre-application community engagement. Furthermore, significant pre-application discussions have taken place with officers.

## 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) (September 2023) 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 (September 2023) unless stated otherwise.

## **7. BACKGROUND INFORMATION**

### **7.1 The Application Site**

10-11 Lancaster Gate is located at the intersection of Lancaster Gate and Craven Terrace and Lancaster Mews. It contains two, seven storey (plus first floor mezzanine) grade II listed buildings, located within the Bayswater Conservation Area. These buildings are currently vacant, but have been laterally converted historically and were last in use as a single hotel premises (Averard hotel) (Class C1) over basement, ground, first, first mezzanine, second, third, fourth and fifth floors. The retail use at 24a Lancaster mews, is not part of site.

Due to their poor condition, these buildings are also on Historic England's Heritage at Risk register (List Entry 1221694) The programme identifies those sites that are most at risk of being lost as a result of neglect, decay, or inappropriate development. The Heritage at Risk Register indicates " Grand terrace of houses dating from 1865, attributed to John Johnson. The building is three bays wide with four storeys plus attic and basement. It has fine classical detailing. The condition of the existing building is very poor, owing to water leakage and lack of maintenance over many years "The building has, however been temporarily secured following enforcement action, and discussions are ongoing with regards to its long-term use and repair". Condition is stipulated as "very bad" and priority C.

The site is located outside of the Central Activities Zone (CAZ) & Archaeological Priority Area and does not lie within an Air Quality Focus Area. It is however located within a Surface Water Flood Risk Hotspot.

### **7.2 Recent Relevant History**

#### **Planning Application History**

##### 2020

Display of non-illuminated estate agent board measuring 0.6m x 0.9m in the window at ground floor level for a temporary period of six months. (20/06956/AD7)  
Advertisement consent granted 18.11.2020.

##### 2017

Demolition of 1st and 2nd storey of existing rear extension and erection of new four storey rear extension with internal alterations and new lift associated with use of building as ten residential units and associated works. (15/11987/FULL & 15/11988/LBC)  
Application Withdrawn 21.02.2017. Listed building consent application was recommended favourably, but planning application was recommended for refusal on grounds of absence of a policy compliant affordable housing payment. The applicant did not agree to the payment of an affordable housing contribution of £3,611,520.00. This is despite viability testing demonstrating that the development could make the payment.

Vacant Building Credit was requested by the applicant, but officers did not consider it to be applicable.

### 2015

Part demolition and rebuild including rear extension, new stairs, and lift with overrun and new roof garden. Conversion of property from hotel to residential use (4 x 4 bed, 2 x 3 bed, and 2 x 2 bed). (15/01896/FULL & 15/01897/LBC)

Application Withdrawn – 28.07.2015.

### 2013

Demolition of rear extension to No. 11 above ground floor level and erection of replacement rear extension between first and fifth floor levels, erection of single storey basement extension, opening up of existing vaults to increase covered outside space within front lightwells, installation of mechanical plant and satellite dishes at roof level, alterations to existing facades including replacement of windows and rendering of existing rear extension to No.10 and installation of a platform lift to the Craven Terrace elevation between ground and basement levels and associated external alterations in connection with refurbishment of existing hotel (Class C1). (11/01841/FULL & 11/01302/LBC)

Application Refused – 12.09.2013 - Five design and heritage reasons for refusal & inadequate waste and recycling facilities.

Use as 12 self-contained residential flats (Class C3) (1x1 bedroom flat, 8x2 bedroom flats, 2x3 bedroom flats and 1x4 bedroom flat), demolition of rear extension to No. 11 above ground floor level and erection of replacement rear extension between first and fifth floor levels, alterations to existing rear extension to No. 11, erection of single storey roof extension to No. 11, installation of a platform lift to the Craven Terrace elevation between ground and basement levels, installation of glazed roof over front lightwells and associated external alterations. (11/12021/FULL & 12/00399/LBC)

Application Refused – 12.09.2013- Six designs and heritage reasons for refusal and lack of family sized units and lack of affordable housing provision.

Demolition of rear extension to No.11 above ground floor level and erection of replacement rear extension between first and fifth floor levels, erection of plant enclosure and installation of mechanical plant at roof level, alterations to existing facades including replacement of windows and rendering of existing rear extension to No.10, installation of a platform lift to the Craven Terrace elevation between ground and basement levels, associated external alterations and use as 42 serviced apartments/ apart-hotel (Class C3) (12/00959/FULL & 12/01722/LBC). Application Refused – 12.09.2013-Five design and heritage reasons for refusal.

### **Planning Enforcement History**

2007\_Crumbling façade (07/38039/P)- Warning letters 25.02.2008, No further action as scaffolding erected, and façade repainted.

2009 -Poor condition of front façade (09/42765/P) 08.07.2009 No further action.

2010- Works to listed building (10/45912/D)- Unauthorised hoarding as no permission/consent granted for works- works subsequently approved under 10/07777/LBC & 10/07779/LBC)

2010- Internal works (10/46007/P)- 11.11.2010- No further action

2012- Poor condition of building (12/49522/N)- Warning letters issued 24.07.2012 and

remedial work undertaken.

2012- Unauthorised works to front of building (12/51467/P)- Paint stripping undertaken 07.09.2012- No further action

2017- Poor condition of building (14/56276/N)- Section 215 Notice served 29.03.2017, requiring a number of steps to be taken to repair the building.

2018- Use as fashion show/exhibition (18/67947/U)- PCN issued 18.09.2018- Unauthorised use ceased

2021-Poor condition of building (21/74326/N)- Warning Letter 07.06.2021 requiring list of issues to be remedied.

### **Building Control**

2012- 12/000047/OTHER Dilapidated building, loose weathered rendering, broken windows liable to fall. Dangerous Structure Notice Issued 13.02.2012.

2015- 15/00039/OTHER- Loose entrance porch glazing- Liable to fall. Dangerous Structure Notice Issued.

### **London Fire Brigade**

Enforcement Notice issued on 17.04.2009 requiring fire related works to be undertaken under the Regulatory Reform (Fire Safety) Order 2005. (Failing included inadequate fire detection, and alarm system, problems with external means of escape and inadequate and defective fire doors).

## **8. THE PROPOSAL**

Planning permission and listed building consent are sought to extend and alter the buildings externally and internally, in connection with a change of use from vacant hotel to 11 residential flats. A summary of the proposal is set out below:-

- Change of use from Hotel to Residential
- Increase in floorspace of 176m<sup>2</sup>.
- Provision of 11 flats
- Remodelling and extension of 1930's and 1950's additions including roof extensions.
- External alterations
- Internal alterations

**Table 1: Existing and proposed land uses.**

Land Use	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Hotel	2,472.3	N/A	- 2,472.3
Residential	N/A	2,648.3	+176m <sup>2</sup>
Total		2,648.3	+176m <sup>2</sup>

During the course of the application, further discussions have taken place with respect to heritage, refuse and recycling, environmental, sustainability and viability in order to clarify matters and or address officer's concerns. A site visit was undertaken by the case officer, design and conservation officer, waste project manager and the City Council's independent viability consultants.

## 9. DETAILED CONSIDERATIONS

### 9.1 Land Use

#### Land Use Overview

##### Loss of Hotel

The Existing hotel is vacant and has been for some considerable time, over 10 years. Its previous use as a hotel and the consequential internal alterations have had an impact on the special interest of these listed buildings, as has the lack of use and maintenance of the buildings over this period of time. The buildings do not have any provision for off-street servicing and nor could this be provided given the impact this would have on the character and appearance of the grade II listed buildings. The buildings were originally built as two large townhouses and not as a purpose built hotel premises and new hotels are directed to the CAZ and District Centres. For these reasons, the loss of the hotel use is acceptable in land use terms in accordance with Policy 15 (Visitor Economy).

##### Proposed Residential

The principle of returning these listed buildings to permanent residential use is supported in principle in land use terms under Policy 8 (Housing Delivery) in order to deliver new homes in Westminster. This is expected to be achieved by, among other things optimising site densities and permitting appropriate upward extensions.

**Table 2:- Residential mix, floorspace, quality.**

Apartment number	Floor level	Number of bedrooms	Floorspace m2	Aspect	Fully meets BRE for daylight and sunlight	External amenity
1	Ground & basement	2 bedrooms	194.3m2	Single	No	No
2	Ground & basement	3 bedrooms	234.5m2	Dual	No	yes
3	First floor	3 bedrooms	319.1m2	Triple	No	Yes
4	Second floor	2bedrooms	169.2m2	Triple	Yes	No
5	Second & mezzanine floor	2 bedrooms	105.9m2	Single	Yes	No
6	Second floor	1 bedroom	60.2m2	Single	Yes	No
7	Third floor	2 bedrooms	153.7m2	Triple	Yes	No
8	Third floor	2 bedrooms	140.2m2	Dual	No	No
9	Fourth	2bedrooms	154.50m2	Triple	No	No
10	Fourth	2 bedrooms	141.0m2	Dual	Yes	No
11	Fifth floor	3 bedrooms	177.8m2	Triple	Yes	Yes

##### Optimisation

Eleven residential units are proposed within the buildings as proposed to be extended. The mix of unit sizes is 1x1 bed, 7x2bedroom; 3x3bedroom. 27.7% units are proposed as family sized, which satisfies our 25% policy requirement under policy 10 (Housing for

Specific Groups).

Two of the residential units (flats 2 &3, a duplex at ground and basement and a single unit at first floor) would exceed our 200m2 size threshold for new homes. These two units are both family sized units. This matter has been the subject of significant pre-application discussions with officers, where various options were considered. Officers are now content that there is justification in this particular case to exceed this threshold. The ground and first floors are the most significant areas of the listed buildings, containing the principal reception rooms, largely in their original form with decorative form and character. The larger flats proposed respect and protect this, rather than seeking to create further flats by subdividing the space which would be harmful to the listed buildings. Furthermore, the existing basement floor, particularly the area to the rear of the building, receives limited daylight. The two larger units are considered to protect the listed building whilst creating a good standard of residential accommodation and are considered to meet the criteria for the exception allowed under policy 8 (Housing Delivery) and the residential use of the building is considered to have been satisfactorily optimised.

#### Quality of residential accommodation

All 11 flats would meet or exceed the internal floorspace requirements of the Nationally Described Housing Standards. Three would be single aspect, three dual aspect, and five are triple aspect. Three of the units would benefit from private external terraces ( flat 2 at basement, flat 3 at first and flat 11 at fifth floor level).

Given the listing of the building, there are limited opportunities to provide external amenity space and the three terraces are therefore welcome. Hyde Park is in close proximity and will help alleviate the lack of amenity space for occupants and provide alternative access to public green space.

In terms of daylight and sunlight, some rooms within the flats would not meet the BRE guidelines for new dwellings. However, there are a number of factors to be taken into account;- this is an existing listed building, the existing basement is compromised in terms of receiving daylight and sunlight, flats 1 and 2 are duplex flats and so would receive better daylight from ground floor, the rooms to the front are deep floorplates. Taking these factors into account, the daylight and sunlight levels for the proposed flats are considered to be acceptable.

#### **Daylight and sunlight:- rooms which do not meet BRE guidelines for daylight and sunlight.**

Flat	Location	Room/2	Room number	Comments
Flat 1	Basement( front)	2 Bedrooms & study	R1,R2,R3	Basement Duplex flat
Flat 2	Basement (rear)	2 bedrooms	R4, R5	Basement Duplex flat
	Ground (rear)	Kitchen	R5	Small kitchen to rear
Flat 3	1 <sup>st</sup> floor ( front & side)	Kitchen/dining & study/entrance	R1, R4	Deep room to front.
Flat 8	3 <sup>rd</sup> floor front	Living/Dining	R1	Deep room to front
Flat 9	4 <sup>th</sup> floor	Living room	R2	Deep room to front

Taking into account the size, layout, aspect, high ceilings and architectural features of the flats. Overall, notwithstanding the lower levels of light to some rooms (set out in the table above) the internal residential environment to be provided for future occupiers is considered to be of good quality. The flats are also well-designed and energy efficient and are provided with provision for storage of cycles and access to car club membership. Overall, the quality of the residential accommodation is considered to satisfy Policy 12 (Housing quality).

#### Affordable Housing

As the proposal would provide over 10 new residential units within over 1,000m<sup>2</sup> of floorspace, it triggers Policy 9 (Affordable Housing), and the proposal would be required to provide 35% of the residential units as affordable housing on-site. The policy allows, in exceptional cases, for affordable housing provision to be made off site in the vicinity of the site. This will only be accepted where it is sufficiently demonstrated that on-site provision is physically or otherwise impracticable or is inappropriate in terms of the quantity or quality of affordable housing to be provided. As a last resort a payment in lieu (PIL) to the City Council's Affordable Housing Fund may be accepted.

It is considered that it is not entirely practicable to provide affordable housing on site, due to the site constraints of the listed buildings (given the current proposed optimisation of 11 units) and the potential heritage impact of providing a separate access with a lift as is often required by Registered Providers. The applicant has confirmed that they do not own any sites in the vicinity of the site or wider area. As such a PIL of affordable housing is considered to be the appropriate option in this particular case.

#### Viability & Payment in Lieu

The City Plan at paragraph 9.14 states that the value of payments in lieu will be based on the Planning Obligations and Affordable Housing SPD. As such the City Council's Draft Planning Obligations & Affordable Housing SPD (WCC, July 2023) is a material consideration when calculating Affordable Housing contributions. The SPD has been consulted on and is at an advanced stage of preparation, as it is expected to be adopted in 2024. Furthermore, there is no other available guidance to use to calculate payments in lieu.

Based on the formula in the draft SPD, for this proposed development, a fully compliant Payment in Lieu would be **£8,899,200** (Calculation of 35% of 2468.3m<sup>2</sup> = 864m<sup>2</sup> x £10,300 = £8,899,200 Based on GIA:- 2468.3m<sup>2</sup> – 11 units- 100% private on site within Area B (Core residential)). The applicant submitted a viability report which concluded in offering a PIL of affordable housing of £587,326. However, the City Council's independent consultant advised that the development could viably provide a Pil of affordable housing of £1,421,858. The applicant has subsequently agreed to this higher contribution. Furthermore, both early and late stage review mechanisms are recommended to be secured via an obligation within a S106 legal agreement, in order to ensure that any potential to secure further Pil of affordable housing is realised and secured. Therefore, whilst the current Pil of affordable housing is not fully policy compliant, it has been robustly assessed by an independent consultant and the requirements of policy 9 are considered to have been met.

## 9.2 Environment & Sustainability

The proposal is to retain, extend, refurbish and retrofit these listed buildings for residential use.

### Sustainable Design

A summary of the sustainability measures incorporated are set out below:-

- Savings in upfront embodied carbon from refurbishment & retrofit scheme.
- Energy efficiency on-site, an all-electric energy strategy, and a green power purchase agreement.
- 68% reduction in CO2 emissions beyond the Part L baseline.
- Water efficiency measures & fixed water metres.
- Bespoke upgrading of external walls, floors, roof and windows.
- Air Source Heat Pumps for domestic hot water use and thermal comfort requirements.
- Photovoltaics to serve communal areas.
- Low energy LED lighting.
- BREEAM Excellent, with potential to reach Outstanding.
- Sustainable materials procurement policy.
- Biodiversity measures.
- Cycle storage.
- Provision for waste and recycling.

As sensitive listed buildings containing considerable internal historic fabric of importance, the proposed sustainable design principles and sustainability measures included have been sensitively incorporated and the proposal is considered to satisfy policy 38 of the City Plan.

### Energy Performance

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

	Regulated Carbon Dioxide Savings	
	Tonnes CO <sub>2</sub> per Annum	%
<b>Be Lean:</b> Savings from energy demand reduction	37.5	68
<b>Be Clean:</b> Savings from heat network.	0.0	0
<b>Be Green:</b> Savings from renewable energy	2.3	4
Cumulative on-site savings	39.9	72
Carbon shortfall	460	-
	Tonnes CO <sub>2</sub>	
Cumulative savings for offset. payment	460	
Cash-in-lieu contribution	£43,653	



The overall target of achieving an on-site regulated carbon emissions reduction of 35% over Part L 2021 has been met and surpassed reducing emissions through the Energy Hierarchy and the requirements of policy 36 satisfied.

### **Circular Economy**

Consideration of the minimisation of waste from construction has been given and the applicant is intending to mitigate in the following ways in accordance with policy 37:-

- Contractor following environmental management system processes
- Training and site induction of all site operatives.
- Monitoring of energy, water and transport to and from site during construction.
- Management of waste on site.
- Following best practice pollution guidance from the Environment Agency.
- Ensuring all site timber is responsibly sourced in line with the UK Government's Timber Procurement Policy.
- Appropriate orientating of material stockpiles.
- Covering vehicles carrying dry soil and other wastes.
- Providing suitable site hoarding.

The scheme will also adopt the principles of the Considerate Constructors Scheme (CCS). The CCS scheme aims to recognise and encourage construction sites that are managed in an environmentally and socially considerate, responsible and accountable manner.

### **Air Quality**

The applicant has provided an Air Quality Assessment and the City Council's Environmental Health officer is content that the proposed development is air quality neutral in accordance with Policy 32 (Air Quality), based on the following:-

- The development is car free.
- Heat and hot water will be provided via an all-electric system.
- Air Quality matters such as Non-Road Mobile Machinery and best practice during development/construction would be required as the development qualifies for the Councils Code of Construction Practice condition to be imposed.

### **Flood Risk & Sustainable Drainage**

The site falls within Flood zone 1 (low probability of flooding) and within a Surface Water Risk Hotspot. A Flood Risk Assessment has been submitted in order to satisfy policy 35. This states that there has been no history of flooding at the site and with respect to Sustainable urban drainage (SUDs) that records indicate that there is an existing gravity combined drainage system which discharges to the main sewers in the roads. The surface water from the development will be discharged into the basement combined gravity below ground drainage system. Anti-flood valve gullies are proposed to take surface water from the lightwells, the drainage will then discharge, via existing combined sewer connections to Thames Water Sewers. The City Council's Lead Local Flood Risk officer has been consulted and any response will be reported verbally. Otherwise matters will be dealt with through building regulations.

**Light Pollution**

Given the nature of the proposal and its relationship with surrounding properties, it is not considered to raise issues of light pollution under policy 33.

**Odour**

Given the nature of the proposal and its relationship with surrounding properties, it is not considered to raise issues of odour under policy 33.

**Land Contamination**

On the basis that the application is for a change of use with a more sensitive end user and the application includes use of a basement, the City Council's Environmental Health officer has recommended that our standard contaminated land condition is imposed to make sure that any contamination under the site is identified and treated so that it does not harm anyone who uses the site in the future, in accordance with Policy 33.

**Environment & Sustainability Summary**

For the reasons set out above, the proposal is considered to be policy compliant having regard to the particular circumstances of the site. Conditions are recommended including to secure ongoing compliance.

**9.3 Biodiversity & Greening**

Greening is proposed in three areas of the building.

- Two basement lightwells- ivy screens in raised planters.
- Two first floor balconies – planting pots of various sizes
- Fifth floor terrace for planting pots, raised planter/green wall screening with rainwater crates with flow control to facilitate filtration and attenuation.

Whilst the proposed planting is minimal (Urban Greening factor of 0.0025), it is recognised that this is a challenging site in which to sensitively, and appropriately incorporate such features. As such, the proposal is considered to have incorporated as much as possible within the constraints to satisfy policy 34 of the City Plan, by contributing to the greening of Westminster and results in biodiversity net gain. Full details are recommended to be required 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.”*

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

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

#### **Existing building:**

These two grand terraced properties date from the mid-19th century and form an integral part of the planned Lancaster Gate development of that time. They rise through basement, ground and five principal upper floors, and are both Grade 2 listed and are located within the Bayswater Conservation Area. Both buildings have rear wings on the north side of the site.

The buildings have been vacant for a considerable period of time, and are in notably poor condition, especially internally. They are included on Historic England's Heritage at Risk Register, which describes their condition as very bad.

#### **New Rear Wing of no. 10 Lancaster Gate:**

When originally constructed the rear part of the site of no. 10 appeared to be an open courtyard garden, with a bay extension then added in the late 19th century at lower ground and ground floor levels. In the 1950's a full height extension in quite uncompromising design was constructed above the 19th century ground floor wing, though with floor levels not aligned with those in the main building.

The application seeks the retention of the 19th century lower sections of the wing and the rebuilding of the 1950's extension above, the removal of which is not contentious in terms of historic fabric. The new extension is lower in height and more appropriately follows the curved line of the retained 19th century bay to ground floor. The design approach is modern, though one considered respectful of the 19th century character of the main listed building, incorporating fluted detailing between floor levels, a decorative cornice to higher level and other features and modelling to give it an attractive appearance, and it will also allow for more appropriate level access with the remainder of the main building. The render facing will more closely harmonise with the original main building. Overall, this aspect of the proposals is welcomed in design terms, and will notably improve the overall appearance of the building.

#### **Alterations to Rear Wing of no. 11 Lancaster Gate:**

The age of the existing two storey, white painted brickwork extension at the rear of no. 11 is not certain, though whilst evidently a relatively long standing addition to the

building, it is quite simple in form and detailing, with no important fabric internally, and its replacement will not involve the loss of important historic fabric. Other alterations to the rear of no. 11 over the years have been harmful, including the more recent full height closet wing and staircase structures added at higher level, and the sheer rear elevation to the top floor mansard and their removal is also considered acceptable.

The main body of the new rear extension is a considerable increase in scale from the existing brickwork structure, and it will rise through four floors with a further mansard floor above. This will integrate closely with the pattern of development to the remainder of the rear elevations of this terrace however, which over the years have all incorporated four storey plus mansard brickwork extensions facing towards Lancaster Mews.

Notwithstanding that, the extension still represents a full height and full width extension, fully enclosing the remaining open parts of the rear of this listed building impacting on the fabric and particularly character and appearance of the building.

Above the mansard is a 3m high green wall in front of the plant screen, with balustrading closer to the rear elevation line. Officers queried the size and arrangement of the screening; however, the applicants have clarified that this is required for acoustic reasons in association with the plant behind. The incorporation of greening and bio-diversity provision is supported under City Plan policies 7 and 34, and the lower carbon approach to servicing from the air source heat pumps are welcomed from a sustainability perspective and in line with City Plan policies 36 and 38. This greening and sustainability provision helps mitigate the impact, as does the anticipated limited view from street level, and that they are considered in context with other not dissimilar structures at this level on the terrace.

Overall, this work is considered to give rise to less than substantial harm to the listed building and conservation area and would not normally be supported. As set out below however, and mindful of the guidance within the NPPF, this work must be considered as part of the application as a whole, including public benefits, for a holistic assessment of the merits of the submission.

**Other External Works:**

Other repairs to external stucco and metalwork are to be secured by condition, and those refurbishment works are welcomed in principle and will improve the appearance of the building. The reinstallation of new railings to match the lost originals on the main front elevation is strongly welcomed, as is the re-introduction of lost stucco balustrading to locations on the upper floors including entrance porches. The refurbishment of the mansards will also improve their appearance and ensure they are watertight.

The existing sash windows are largely being retained, though with some replacement principally to upper floors. The minor loss of historic windows is regretted, however follows a detailed condition survey of the building and is considered justified in the circumstances of this case. The window frames to be retained are to be retrofitted with slimline double glazing to improve their thermal performance. Overall, the approach to windows is supported.

The solar panels to main roof level of no. 11 would provide a minor cluttering element to the building, though one seen only in limited private views and the impact would be overcome through the sustainability benefits.

### **Installation of Lift and Internal Fire Safety Measures**

London Plan policy D12 covers fire safety in development, and the change of use of the building to residential is noted, albeit these considerations are assessed in light of other relevant planning policies including those relating to listed buildings and conservation areas.

A lift is proposed to rise through the building within the original footprint of no. 10. The applicants advise this is to ensure compliance with building regulations which seek a firefighting lift through the building, and to provide level access through the building. To lower ground, and from first floor and above, the spaces affected by the lift have either been significantly altered in the past or are small rooms of limited contribution to the significance of the listed building. To ground floor level however the room affected was one of the grand reception rooms within the building with decorative ceiling and other features of interest. To this room however the plasterwork has been significantly affected by the water ingress to the building including particular loss to the area where the lift is proposed, and the floor joists below and ceiling joists above ground floor level in the proposed lift location are amongst those that the applicant's specialist consultants advise are decayed beyond repair. As such, though projecting through historic fabric of importance, much of this fabric is heavily degraded or already lost.

Notwithstanding this, the lift would have a significant detrimental impact on the appreciation of the original volume and plan form of principally the ground floor level room, and would prejudice its fuller restoration and appreciation of a complete decorative scheme to the room. A ground floor bathroom proposed sited adjacent to the lift would also affect the room in these ways, though conditions are imposed to ensure it remains below ceiling height and is detailed to minimise its impact.

A lift projecting through a listed building would be work not normally considered acceptable. Officers sought a greater justification for the work through a study of other lift locations more sensitive to the listed building, though the applicants have responded with 5 options each of which they consider would not be appropriate on grounds of other separate heritage impact (through other fire control measures required by lifts in other locations), through other locations not complying with fire escape travel distances in building regulations, and through associated concerns that other locations may require a reduced number of flats and with associated increase of flats exceeding 200sqm.

With regards to the externally sited dry riser inlet, whilst this would not be work typically accepted within a conservation area, in this case it replaces a long standing box structure on the side elevation and with a black colour to minimise its impact and associated improvements to this area to be secured through condition the approach is acceptable in this particular case. The internal riser route sits immediately adjacent to the lift, and raises similar issues to those noted above, though with the lift considered acceptable as part of the scheme, the additional works for the internal riser adds limited further harm. During the course of the application process officers sought clarification on other internal upgrading work for fire safety, and the report submitted demonstrates a more limited impact on the listed building.

Overall, this work, and particularly for the installation of the lift, gives rise to less than substantial harm, though at the mid or upper end of that scale.

**Heritage Justification for Larger Apartments:**

Two of the apartments proposed in the application are over 200sqm, and these include grand rooms within both ground and first floors. City Plan policy 8 states that no new homes should exceed this size, except where necessary to protect a heritage asset. On site, the principal reception rooms at ground and first floor levels are largely in their original form and, notwithstanding the poor internal condition of the building, retain much of their decorative form and character. The applicants have presented a case seeking to justify these two large flats on grounds that were the flats smaller than principal grand reception rooms would need to be subdivided for subsidiary accommodation such as kitchens and bathrooms, which would harm the heritage significance of the listed building and prejudice the full restoration of these spaces as part of the scheme.

The applicants have set out example arrangements of the first floor level containing two apartments, and this demonstrates a subdivided arrangement within the grand and highly decorative rooms found to that floor level. Similar studies in terms of the heritage impact on the ground floor have also been set out, concluding that this would also require a subdivision of grand rooms and additional staircase within no. 10 linking lower ground and ground floors, with harmful impact on the significance of the building.

The approach is also sought to be justified in other ways (notably daylighting of the lower ground floor level), as set out elsewhere in the report. In heritage terms there is considered an appropriate justification for the two larger flats and as such a departure from the normal approach set out in City Plan policy 8.

**Other Internal Alterations:**

The applicants have submitted a report from a specialist conservation practice looking at the condition of the plasterwork to the building, which concludes that considerable sections are already missing from the longer term water ingress to the building, and considerable other parts are in poor condition. Further sections will have to be removed to remedy those areas of timber floor joists that the practice has also advised require replacing due to damage from water ingress. This work is of considerable regret from a heritage perspective, though the applicants seek to restore these areas as part of the refurbishment works with full details to be secured by condition and mindful of the condition of the building this approach is considered acceptable.

The installation of a new staircase descending from ground to lower ground floor level within no. 11 gives rise to less than substantial harm, though this is mitigated as clear evidence exists of a staircase having been previously included to this location, and therefore the fabric impacted is more modern. This is balanced through the removal of the staircase projecting through the grand first floor ballroom in no. 11, which is work strongly welcomed in restoring this grand room to more like its original form.

The other works to internal partitioning and other refurbishment work has been considered on site and is acceptable in the circumstances of this case.

**Summary conclusion of Design and Conservation Issues:**

From a design and heritage perspective, some aspects of the application proposals, as set out above, give rise to harm to the significance of the designated heritage assets of the listed building and Bayswater Conservation Area. Mindful of the considerations of the

NPPF with regards to harm to heritage assets, the level of harm is considered to be less than substantial.

The installation of a lift through no. 10 Lancaster Gate is considered to give rise to considerable degree of harm (though still within the assessment of it being less than substantial harm), as does the removals of some sections of internal floor structure where these are related to areas within the original body of the building and particularly where historic plasterwork remains. The remainder of the works highlighted above are considered to give rise to a more modest degree of less than substantial harm.

There are also heritage benefits of the scheme as set out above, with considerable weight given to the existing condition of the buildings and that they are on Historic England's Heritage at Risk Register and that the refurbishment for flats will bring the buildings back into sound condition and active use, and allow for the restoration of the interior of the listed buildings.

Overall, subject to the conditions on the draft decision letters, the applications are recommended for approval notwithstanding the harm caused. This is considered in line with relevant policy and guidance, and the approach set out in the NPPF. The recommendations on the applications are considered in line with the statutory duties set out above.

### **Fire Safety**

A fire strategy has been provided which sets out the measures and procedures for escape from the building in the event of a fire. Measures include two protected staircases and ventilated lobbies with dry riser, a firefighting evacuation lift and a natural smoke shaft. The Health and Safety Executive (HSE) have been consulted on the strategy, as this is considered to be a relevant building for the purpose of Planning Gateway One, and any response will be reported verbally. Notwithstanding this, the matter would need to be formally dealt with under building regulations. For these reasons London Plan Policy D12. Fire Safety is considered to have been addressed for the purpose of planning.

### **Archaeology**

The application site is located outside of any designated Archaeological Priority Area, and as such no further consideration of archaeological matters is necessary under Policy 39 Westminster's heritage.

## **9.5 Residential Amenity**

Given the location of the extensions to the rear and roof and the relationship with surrounding properties, the proposed extensions are not considered to result in any material impact on daylight & sunlight, sense of enclosure or loss of privacy to neighbours, in accordance with Policy 7. Managing development for Westminster's people, Policy 33. Local environmental impacts and Policy 38. Design principles.

### **Daylight & Sunlight**

A Daylight and sunlight survey by BEHAN has been submitted, which has assessed the potential impact of the proposal on the daylight and sunlight received by the following surrounding properties:-

- 62 Lancaster Mews 21

- 41 Lancaster Mews
- 42 Lancaster Mews
- 24 Craven Terrace PH
- 25-26 Craven Terrace 54
- Carroll House Craven Terrace

All residential properties tested, meet with the BRE guidelines and would not see any loss of daylight or sunlight. In fact, Carroll House would experience some improvements to daylight and sunlight.

### **Sense of Enclosure & Privacy**

Given the location of the extension to roof and rear and the relationship and distance to surrounding residential properties, the proposal would not result in any material increase in sense of enclosure or loss of privacy to the occupiers of neighbouring properties.

Whilst external amenity space is proposed at basement, first and fifth floors, these are small domestic areas and given their location and distance to surrounding properties, are not considered to result in any material loss of privacy to those neighbours or any unacceptable levels of noise disturbance.

### **Noise & Vibration**

The roof level Air Source Heat Pumps have been assessed for noise and the City Council's Environmental Health Officer is satisfied that they will be able to operate in accordance with our standard noise conditions to protect the noise environment. Conditions are recommended to ensure ongoing compliance.

## **9.6 Transportation, Accessibility & Servicing**

### **Highway Impact**

The proposal is not considered to adversely impact on the highway and no concerns have been raised by our Highways Planning Manager.

### **Accessibility**

The site is in a location with a Public Transport Accessibility Level of Ptal 6 "Excellent" with bus routes along Bayswater Road, Lancaster Gate and Paddington London Underground stations & Paddington Railway station all in close proximity.

With respect to the access into and within the existing buildings, access into the building is stepped and this is to be retained. Whilst options for providing step free access have been considered, these were not considered practical due to the heritage impact. Once in the building, stair and lift access to all floors is available and the dwellings are designed as far as possible to meet building regulations for accessible and adaptable dwellings. The design has balanced the requirements for accessibility against preserving the heritage assets.

### **Servicing and Waste & Recycling Storage**

Servicing of the site including the collection of waste will take place from on-street, as is the current situation.

Provision for the storage of waste and recyclables is indicated within the building at basement level. Following significant discussions and a site visit, the City Council's



Waste Project Manager is now satisfied that the current strategy is the best way of meeting Policy 37. Waste management.

### **Cycling & Cycle Storage**

Provision for storage of 24 cycles is indicated within the building in two stores at basement level, which exceeds the London Plan requirement of 21 and meets the requirement of Policy 25 (Walking and Cycling).

### **Parking**

No on-site parking is proposed as part of this application. The provision of residential accommodation without off street car parking is supported to encourage more sustainable modes of transport. However, to mitigate for the anticipated demand for on-street parking demand from the proposed flats, lifetime (25 years) car club membership is recommended to be secured as an obligation via a s106 agreement in accordance with policy 27 (Parking).

### **9.7 Economy including Employment & Skills**

Based on the 11 residential units proposed, this scheme requires a financial contribution of £3,300.00, towards initiatives that provide local employment, training opportunities and skills development and supporting the Westminster Employment service. Given the nature and scale of the development it does not trigger the threshold to require an Employment and skills plan. The proposal has therefore addressed the requirements of *Policy 13. Supporting Economic Growth* and *Policy 18(D). Education and skills*

### **9.8 Other Considerations**

None.

### **9.9 Environmental Impact Assessment**

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

### **9.10 Planning Obligations & Pre-Commencement Conditions**

The NPPF identifies that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Paragraph 57 of the NPPF states that planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms.
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

Having regard to the tests set out above, the following planning obligations are considered to be necessary to make the proposed development acceptable in planning terms and are to be secured via a S106 legal agreement, as set out in the officer recommendation in Section 1:

:-

- a) A financial contribution of £1,421,858 (index linked) towards the provision of Affordable Housing (payable on commencement & associated early and late stage reviews
- b) A financial contribution of £43,653 (index linked) towards the Carbon Off Set Fund (payable prior to the commencement of the development).
- c) 'Be Seen' monitoring and reporting on the actual operational energy performance of the building, including as-built and in-use stage data.
- d) A financial contribution of £3,300.00 (index linked) towards initiatives that provide local employment, training opportunities and skills development and supporting the Westminster Employment service (payable prior to the commencement of the development).
- e) Provision of lifetime car club membership (minimum 25 years) for all 11 flats
- f) The costs of monitoring the S106 agreement

The estimated Westminster CIL payment is £1, 388,077.20, whilst the estimated Mayoral CIL payment is £210.857.02. Note that these figures exclude any discretionary relief or other exemptions that may apply and are estimates based on the floorspace identified in the submitted drawings and documents. The actual CIL liability will be calculated by our CIL & S106 Team post determination of the application using the process set out in the Community Infrastructure Levy Regulations 2010 (as amended).

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.

The applicant has been advised of the following pre-commencement conditions and any response will be reported to committee: -

- City Council's Code of Construction Practice (condition 16)
- Whole life carbon (condition 12)
- Land contamination (condition 17)

### 9.11 Assessment of Planning Balance

As set out within Section 9.4 of this report, the proposal is considered to cause less than substantial harm to the character and appearance of the Bayswater Conservation Area and to the listed buildings. The harm would be caused by some of the external and internal alterations to the listed building. The level of harm caused would be at the lower end of less than substantial.

Paragraph 202 of the NPPF states that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the 'public benefits' of the proposal, including optimising its optimum viable use. 'Public benefits' could be anything that delivers economic, social or environmental progress as described in the NPPF. Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public to be genuine public benefits.

When undertaking this weighing exercise, the Sub-Committee must fulfil its statutory duties within Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as set out within Section 9.4 of this report) and give great weight to the conservation of heritage assets, irrespective of the degree of harm. Any harm needs to be clearly and convincingly justified.

Although a development of this scale generates a number of public benefits, the following are considered to be the most significant:

- The refurbishment for flats will bring the buildings back into sound condition and active use, and allow for the restoration of the interior of the listed buildings, which will hopefully result in the buildings being removed from Historic England's Heritage at Risk Register.
- Benefits to the listed building
- Creation of 11 private flats
- Payment in lieu of affordable housing

The public benefits identified in this report and summarised above would be significant. Consequently, they are considered to be sufficient to outweigh the less than substantial heritage harm, in compliance with paragraph 202 in the NPPF. Furthermore, the heritage harm has been kept to the minimum necessary to deliver the proposed development and the public benefits that flow from it. For these reasons, clear and convincing justification has been demonstrated for the harm caused to the designated heritage assets, in compliance with paragraph 200 of the NPPF.

## 10. Conclusion

This report has considered the material planning issues associated with the proposed development in conjunction with all relevant national, regional and local planning policy, and has also considered the weight to be attributed to the public benefits and harm that would arise from the scheme. Having regard to this assessment, it has found that the proposed development is acceptable.

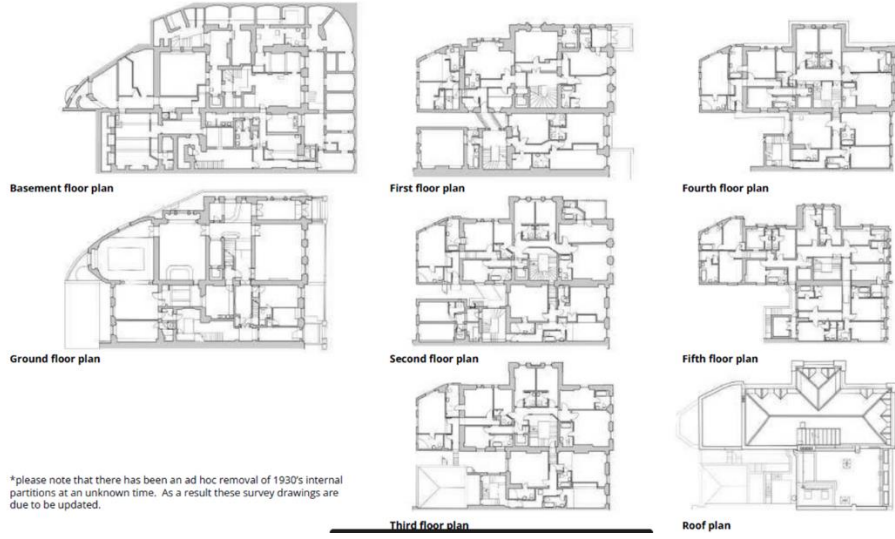
Accordingly, the proposed development would be consistent with the relevant policies in the City Plan 2019-2040, the London Plan 2021, the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990. It is recommended that planning permission and listed building consent are granted, subject the conditions listed at the end of this report and completion of a Section 106 agreement to secure the obligations identified Sections 1, 9.10 and 9.11, which are necessary to make the development acceptable.

(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: SARAH WHITNALL BY EMAIL AT [swhitnall@westminster.gov.uk](mailto:swhitnall@westminster.gov.uk).

**11. KEY DRAWINGS**

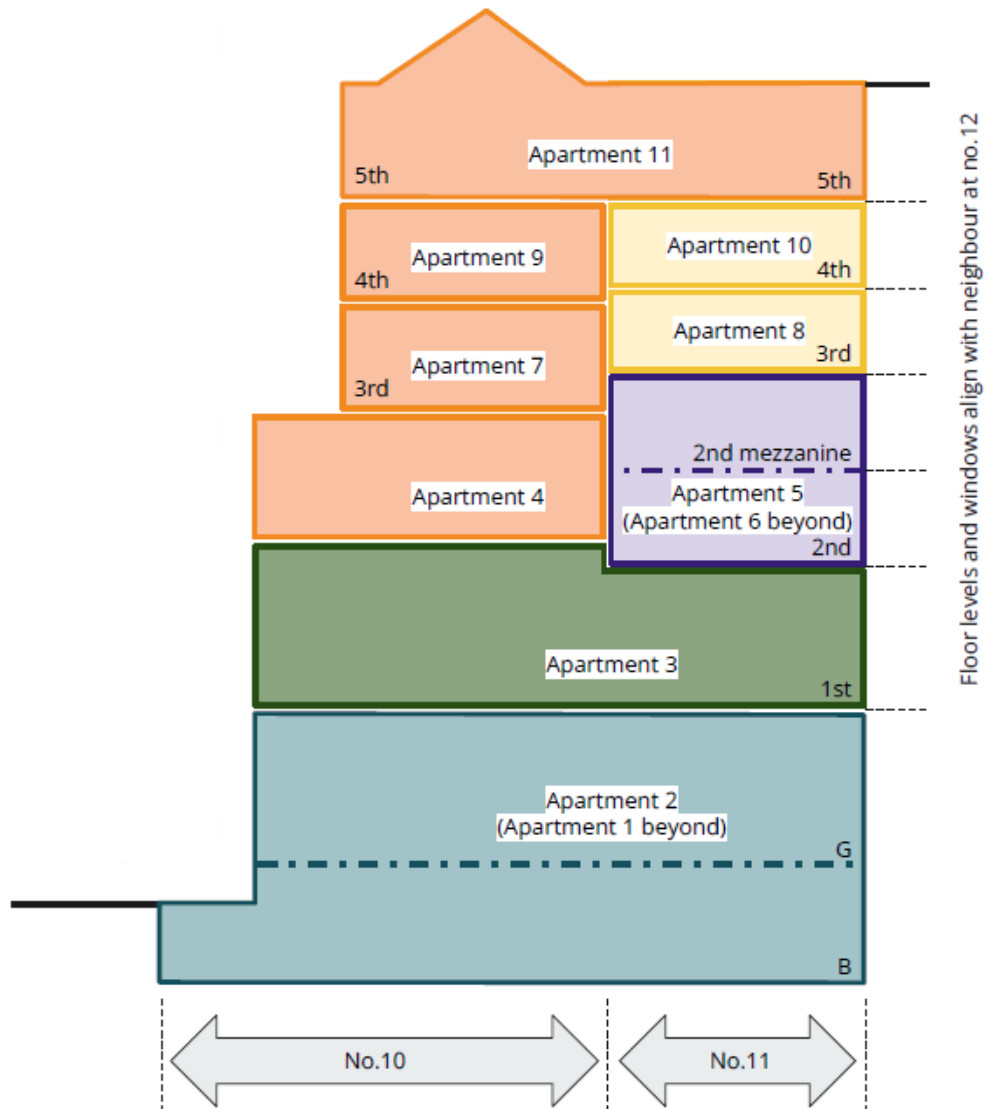
**Existing**  
General Arrangement Plans



\*please note that there has been an ad hoc removal of 1930's internal partitions at an unknown time. As a result these survey drawings are due to be updated.

**Proposed Layout**  
General Arrangement Plans





Diagrammatic section to describe unit mix  
Please note that apartments 1 and 6 are not shown, as they aren't cut through by this section



Existing front and side elevations



Proposed front and side elevations



**DRAFT DECISION LETTER**

**Address:** 10-11 Lancaster Gate, London, W2 3LH

**Proposal:** Change of use from hotel to residential use (Class C3) with associated internal alterations to create 11 new units and external alterations comprising reconfiguration and recladding of the rear extension and restoration of the existing building. (Linked to 23/04045/LBC)

**Reference:** 23/04044/FULL

**Plan Nos:** EXISTING , Location Plan, Site Plan , 100B, 101B, 102B, 103B, 104B, 105B,106B, 107B., 300A, 301A, 302A, 201A,

DEMOLITION , 400C, 401B, 402B, 403B,404B,405B,406B,407B, , 420A, 421B, 422B, SEC410.

PROPOSED, 110F, 111D, 112D, 113D, 114D, 115D, 116D, 117D, 310D, 311C, 312D,211C

INTERNAL , 250A, 251A, 252A, 253B, 254A,255A,256A,260A,261A,262A,263A.

DOCUMENTS, Planning Statement DP9 June 2023, Design and Access Statement Prest Vale Architects June 2023, Photographs and Accurate Visual Representations RockHunter June 2023, Heritage Statement including Building Condition and Heritage Surveys, Walled Garden Heritage & Hutton + Rostron, June 2023, Schedule of proposed works to the listed building Prest Vale Architects June 2023, Fire Statement Socotec June 2023, Access Statement David Bonnett Associates June 2023, Air Quality Assessment Air Quality Consultants June 2023, Affordable Housing Statement DS2 June 2023, Affordable Housing Viability Assessment DS2 June 2023, Daylight, Sunlight and Overshadowing Report Behan Chartered Surveyors May 2023, Energy Strategy Thornton Reynolds May 2023, Whole Life Carbon Assessment Eight versa June 2023, Sustainable Design Statement Eight versa June 2023, BREEAM Pre-Assessment Eight versa May 2023, Sustainable Drainage (SuDs) Design Strategy Axiom Structures June 2023, Foul Sewage and Utilities Assessment Thornton Reynolds May 2023, Structural Methodology Statement Axiom Structures June 2023, Landscape Strategy Bradley- Hole Schoenaich Landscape May 2023, Transport Assessment TTP Consulting May 2023, Noise Impact Assessment Anglia Consultants June 2023, Code of Construction Practice, signed Appendix , A Checklist including Section 61 Application, Heriot UK December 2022, Construction Site Environmental Management Plan, Heriot UK December 2022, Flood Risk Assessment UK Flood Risk June 2023, Biodiversity Survey Report Schofield Lothian December 2022, Statement of Community Involvement Kanda April 2023Waste Referral Response DP9 July 2023, Noise Impact Assessment (updated) Anglia Consultants September 2023, Sustainability Response Cover Letter DP9 October 2023, WCC Sustainability - Thornton Reynolds response document, Thornton Reynolds September 2023, Revised Executive Summary - Thornton Reynolds - September 2023, Thornton Reynolds September 2023, GLA Reporting spreadsheet in excel Thornton Reynolds September , 2023, M100 Pipework Schematic - DHN future connection indicated, Thornton Reynolds

Item No.
<b>1</b>

September 2023, M199 Basement Drawing - DHN area indicated, Thornton Reynolds September 2023, M206 Roof Drawing - PV and roof plant area identified, Thornton Reynolds September 2023, Energy Strategy U-Value Mark up Thornton Reynolds September 2023, ASHP Manufacturers selection information, Emicon September 2023, Preliminary Maximum demand electrical calculation, Thornton Reynolds September 2023, DNO - UKPN formal connection offer UKPN September 2023, Response to Conservation Officer Comments, Prest Vale Architects October 2023, Conservation Response Report Prest Vale Architects October 2023, BRUKL Output Document Thornton Reynolds May 2023, Energy Statement Addendum Thornton Reynolds October 2023, Conservation Response Report - Internal Fire Protection, Prest Vale Architects and Socotec November 2023

**Case Officer:** Sarah Whitnall

**Direct Tel. No.** 020 7641  
07866036375

### **Recommended Condition(s) and Reason(s)**

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

Reason:

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

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

Reason:

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

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

Reason:



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

- 4 The development shall be carried out in accordance with the following details and maintained as such:
- A. The new external metalwork shall be painted and permanently maintained in a black colour.
  - B. The new balustrading to the south elevation on the front entrance porches, and to first, third and fifth floor levels shall be painted to match the existing external render colour adjacent.
  - C. Any new slates required to the pitched roof structures at fifth floor level and including the mansard to the rear of no. 11 Lancaster Gate shall be natural slates matching the colour and size of the existing slates to the existing pitched roof structures.
  - D. The new sash windows shall operate only in a vertically sliding manner, and the sash frames and putty detailing shall be painted and permanently maintained in a white colour.

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

- 5 Notwithstanding the submitted drawings, you must apply to us for approval of:-
- A. Detailed drawings, or example photographs showing each element of the installation, for the new lightwell railings and associated plinth.
  - B. Proposed elevation and section drawings showing the new sash windows at scale 1:5 and 1:10 (as appropriate, and including break lines in the drawings if required) including glazing bar details and including the relationship of the windows to the external wall of the building and also any rebates present in the wall surrounding the window openings. These drawings shall show the incorporation of glazing bars integral to the structure of the window and projecting seamlessly through the panes of glazing, and shall show the incorporation of putty detailing externally to the framing.
  - C. Existing and proposed section drawings through the sash windows being retained and retrofitted with slimline double glazing at scale 1:5 and 1:10 (as appropriate, and including break lines in the drawings if required) showing on the existing section the extent of timber routing required to accommodate the new glazing, and showing on the proposed section the integration of the new glazing with the timber framing and also showing the incorporation of putty detailing externally to the framing.
  - D. Detailed elevation and section drawings showing the new front entrance door at ground floor level including side and transom light windows.
  - E. A methodology and schedule of works for any external repair works to existing plaster or metal railings.
  - F. Detailed elevation/section/plan/axonometric/visuals (as appropriate) showing the detailing of the new elevation to the rear wing of no. 10 Lancaster Gate, including window openings, cornices/projections beyond the elevation line, and bands between

floor levels.

G. Plan/elevation/manufacturers specifications (as appropriate) and confirmation of colouring of the External elements of dry riser system and adjoining boundary railings., , H. Detailed elevation drawing of the balustrade to the rear roof area above the mansard to no. 11 Lancaster Gate, showing it formed as black metal railings., , 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/ drawings and/or photographs/specifications.

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

- 6 You must apply to us for approval of samples (including photographs of the samples) of the facing materials you will use for the new work on the rear wing to no. 10 Lancaster Gate, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

Reason:

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

- 7 You must apply to us for approval of a sample of brickwork to be used on the new rear wing to no. 11 Lancaster Gate, and clarification of the bond pattern and mortar detailing. 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/clarifications. The bricks shall remain unpainted or rendered, or otherwise covered over.

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

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

Reason:

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

2040 (April 2021). (R26FE)

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

Reason:

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

- 10 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the green roof and green wall to rear roof level of no. 11 Lancaster Gate, to include construction method, layout, species and maintenance regime, and to include the design of the wall itself. 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)

- 11 You must provide, maintain and retain the following bio-diversity features before you start to use any part of the development, as set out in your application. Green wall and adjoining green roof to rear roof level of no. 11 Lancaster Gate. You must not remove any of these features. (C43FA)

Reason:

To increase the biodiversity of the environment and 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 Bayswater Conservation Area, as set out Policies 34, 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021).

- 12 **Pre-Commencement Condition.** You must apply to us for approval of an updated version of the Whole Life Carbon Assessment hereby approved at each of the following stages of development:

- (a) Prior to commencement of any work on site including all works of deconstruction and demolition.
- (b) Prior to commencement of any construction works.
- (c) Within 3 months of first occupation of the development.

Where the updated assessment submitted pursuant to (a) or (b) above identifies that changes to the design, procurement or delivery of the approved development will result in an increase in embodied carbon (A1-A5) above 266.2 kgCO<sub>2</sub>e/m<sup>2</sup> and Whole Life Carbon (A1-C4 excluding B6 & B7) above 513 kgCO<sub>2</sub>e/m<sup>2</sup>, which are the benchmarks established by your application stage Whole Life Carbon assessment, you must identify measures that will ensure that the additional carbon footprint of the development will be

minimised. You must not commence any work on site and/or construction works (as appropriate pursuant parts (a) and (b) above) until we have approved the updated assessment you have sent us. You must then carry out works, as permitted by the relevant part of the condition, in accordance with the updated version of the Whole Life Carbon assessment that we have approved. The post construction assessment submitted for our approval pursuant to (c) shall demonstrate how the development has been completed in accordance with the updated benchmarks identified in the updated assessment submitted pursuant to part (b). (C17AB)

Reason:

To ensure the development minimises carbon emissions throughout its whole life cycle in accordance with Policy SI2 in the London Plan 2021, Policy 38 in the City Plan 2019 - 2040 (April 2021), the Environmental Supplementary Planning Document (February 2022) and the guidance set out in the Mayor of London's guidance 'Whole Life-Cycle Carbon Assessments' (March 2022).

- 13 The development shall be carried out in accordance with the approved Energy Strategy and Sustainability Statement and shall achieve regulated carbon dioxide emission savings of not less than 72% for emissions beyond the Target Emissions Rate of Part L of Building Regulations 2021. The energy efficiency and sustainability measures set out therein shall be completed and made operational prior to the first occupation of the development and retained for the lifetime of the development. (C17CA)

Reason:

To ensure the development minimises operational carbon emissions and achieves the highest levels of sustainable design and construction in accordance with Policy SI2 in the London Plan 2021, Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R17CA)

- 14 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 to roof of no. 10 Lancaster Gate, , 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)

- 15 You must apply to us for approval of detailed drawings of a planting 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 planting within one planting 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 5 years of planting them, you must replace them with trees of a similar size and species. (C30BC)

Reason:

To improve the appearance of the development, to make sure that it contributes to the character and appearance of this part of the Bayswater Conservation Area, and to improve its contribution to biodiversity and the local environment. This is as set out in Policies 34, 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R30CE)

- 16 **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)

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

Reason:

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

- 18 (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)

Item No.
<b>1</b>

- 19 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)

- 20 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)

- 21 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)

- 22 Before anyone moves into the property, you must provide the separate stores for waste and materials for recycling shown on drawing number 110F 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 building. (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)

**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 With regards to condition 5, You are strongly advised to consider the design and detailing of the more convincingly original front entrance doors to the western end of Lancaster Gate, You are advised that the restoration works to the boundary railings on the Craven Terrace elevation of the building should include the restoration of missing finials to those railings, The external equipment must be black in colour, and you should seek to extend the run of existing boundary railings around to meet the building line, and set the equipment behind that line and seek to develop a scheme with the equipment as integrated behind railings and discreet as is possible.
- 3 With regards to condition 7, you are advised that the brickwork should follow the yellow stock brickwork of the rear wings along the terrace, including their toned down, soot stained appearance (and as such, soot staining the brickwork may be required), and that the bond should be confirmed as Flemish bond and with flush pointing
- 4 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](http://www.westminster.gov.uk/street-naming-numbering). (I54AB)
- 5 The development will result in changes to road access points. Any new threshold levels in the building must be suitable for the levels of neighbouring roads. If you do not plan to make changes to the road and pavement you need to send us a drawing to show the threshold and existing road levels at each access point., , If you need to change the level of the road, you must apply to our Highways section at least eight weeks before you start work. You will need to provide survey drawings showing the existing and new levels of the road between the carriageway and the development. You will have to pay all administration, design, supervision and other costs. We will carry out any work which affects the road. For more advice, please email [AskHighways@westminster.gov.uk](mailto:AskHighways@westminster.gov.uk).
- 6 Please email our Project Officer (Waste) at [wasteplanning@westminster.gov.uk](mailto:wasteplanning@westminster.gov.uk) for advice about your arrangements for storing and collecting waste.
- 7 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults.



You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please email [AskHighways@westminster.gov.uk](mailto:AskHighways@westminster.gov.uk). However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority).

- 8 We recommend you speak to the Head of Building Control about the stability and condition of the walls to be preserved. He may ask you to carry out other works to secure the walls. Please phone 020 7641 6500 or email [districtsurveyors@westminster.gov.uk](mailto:districtsurveyors@westminster.gov.uk).
- 9 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 and to apply online please visit [www.westminster.gov.uk/suspensions-dispensations-and-skips](http://www.westminster.gov.uk/suspensions-dispensations-and-skips).
- 10 You must apply for a licence from our Highways Licensing Team if you plan to block the road or pavement during structural work to support the building. Your application will need to show why you cannot support the building from private land. For more advice, please phone 020 7641 2560. (I36AA)
- 11 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](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 12 The applicant will likely need technical approval for the works to the highway (supporting structure) prior to commencement of development. The applicant should contact Louisa Augustine ([laugustine@westminster.gov.uk](mailto:laugustine@westminster.gov.uk)) in Westminster Highways Infrastructure and Public Realm to progress the applicant for works to the highway., , The developer will be required to obtain additional licences for the hoarding and any other temporary structure or skip prior to installation. Advice on this process can be found at <https://www.westminster.gov.uk/apply-for-temporary-structure-licence>.
- 13 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

Item No.
<b>1</b>

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-environmental-regulations/planning-enforcement/short-term-lets.](http://www.westminster.gov.uk/planning-building-and-environmental-regulations/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).

- 14 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](http://www.westminster.gov.uk/street-naming-numbering). (I54AB)
- 15 This permission is governed by a legal agreement between the applicant and us under Section 106 of the Town and Country Planning Act 1990. The agreement relates to . (I55AA)

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:** 10-11 Lancaster Gate, London, W2 3LH

**Proposal:** Conversion of the property from hotel to residential use (Class C3) with associated internal alterations to create 11 new units and external alterations comprising reconfiguration and recladding of the rear extension and restoration of the existing building. (Linked to 23/04044/FULL)

**Reference:** 23/04045/LBC

**Plan Nos:** EXISTING , Location Plan, Site Plan , 100B, 101B, 102B, 103B, 104B, 105B,106B, 107B., 300A, 301A, 302A, 201A  
DEMOLITION , 400C, 401B, 402B, 403B,404B,405B,406B,407B, , 420A, 421B, 422B, SEC410.  
PROPOSED, 110F, 111D, 112D, 113D, 114D, 115D, 116D, 117D, 310D, 311C, 312D,211C  
INTERNAL , 250A, 251A, 252A, 253B, 254A,255A,256A,260A,261A,262A,263A.  
Heritage Statement including Building Condition and Heritage Surveys, Walled Garden Heritage & Hutton + Rostron, June 2023, Schedule of proposed works to the listed building Prest Vale Architects June 2023

**Case Officer:** Sarah Whitnall

**Direct Tel. No.** 020 7641  
07866036375

**Recommended Condition(s) and Reason(s)**

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

**Reason:**

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

- 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 Bayswater

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

- 3 The new external metalwork shall be painted and permanently maintained in a black colour

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

- 4 Notwithstanding the submitted drawings, you must apply to us for approval of detailed drawings, or example photographs showing each element of the installation, for the new lightwell railings and associated plinth. 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 and/or photographs. (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 Bayswater Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 5 The new balustrading to the south elevation on the front entrance porches, and to first, third and fifth floor levels shall be painted to match the existing external render colour adjacent and maintained as such

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

- 6 Any new slates required to the pitched roof structures at fifth floor level and including the mansard to the rear of no. 11 Lancaster Gate shall be natural slates matching the colour and size of the existing slates to the existing pitched roof structures

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

- 7 Notwithstanding the submitted drawings, you must apply to us for approval of:- , , A) Proposed elevation and section drawings showing the new sash windows at scale 1:5

and 1:10 (as appropriate, and including break lines in the drawings if required) including glazing bar details and including the relationship of the windows to the external wall of the building and also any rebates present in the wall surrounding the window openings. These drawings shall show the incorporation of glazing bars integral to the structure of the window and projecting seamlessly through the panes of glazing, and shall show the incorporation of putty detailing externally to the framing. , , B) Existing and proposed section drawings through the sash windows being retained and retrofitted with slimline double glazing at scale 1:5 and 1:10 (as appropriate, and including break lines in the drawings if required) showing on the existing section the extent of timber routing required to accommodate the new glazing, and showing on the proposed section the integration of the new glazing with the timber framing and also showing the incorporation of putty detailing externally to the framing., , You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these drawings. (C26DB)

Reason:

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

- 8 The new sash windows shall operate only in a vertically sliding manner, and the sash frames and putty detailing shall be painted and permanently maintained in a white colour

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

- 9 Notwithstanding the submitted drawings, you must apply to us for approval of detailed elevation and section drawings showing the new front entrance door at ground floor level including side and transom light windows. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these drawings. (C26DB)

Reason:

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

- 10 You must apply to us for approval of samples (including photographs of the samples) of the facing materials you will use for the new work on the rear wing to no. 10 Lancaster Gate, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start work on the relevant part of the

development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

Reason:

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

- 11 You must provide, maintain and retain the following feature before you start to use any part of the development, as set out in your application., , Green wall and adjoining green roof to rear roof level of no. 11 Lancaster Gate, , You must not remove any of these features. (C43FA)

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

- 12 You must apply to us for approval of a sample of brickwork to be used on the new rear wing to no. 11 Lancaster Gate, and clarification of the bond pattern and mortar detailing. 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/clarifications. The bricks shall remain unpainted or rendered, or otherwise covered over.

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

- 13 You must apply to us for approval of a methodology and schedule of works for any external repair works to existing plaster or metal railings. 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 the submitted information. (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 Bayswater Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 14 Notwithstanding the submitted drawings, you must apply to us for approval of elevation/section/plan/axonometric/visuals (as appropriate) showing the detailing of the new elevation to the rear wing of no. 10 Lancaster Gate, including window openings,

cornices/projections beyond the elevation line, and bands between floor levels. 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 submitted 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 Bayswater Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 15 Notwithstanding the submitted drawings, you must apply to us for approval of internal elevations, a reflected ceiling plan, and also room sections showing the design approach for wall and ceiling decorations in room L-0-3 (as stated on drawing 101-B). 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 (and with other relevant conditions related to internal plaster detailing). (C26DB)

Reason:

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

- 16 Notwithstanding the submitted drawings, you must apply to us for approval of:- , , A) Plan drawings, reflected ceiling plan drawings and internal elevations showing those areas to the walls and ceilings in each room where existing plaster is currently missing, and also those areas where plaster is proposed for replacement;; , B) Justification for the replacement of any existing plaster on grounds of its condition;; , Then subject to the agreement of A) and B), you must submit:- , , C) Plan drawings, reflected ceiling plan drawings and internal elevations showing the overall approach to plasterwork in each location, including the decorative approach for wall and ceiling plaster, , , D) A methodology for the new plaster including the number, composition and materials proposed for the coats of new plaster and including details of the construction method for new cornicing and ceiling decorations,, , 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 document. (C26DB)

Reason:

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

- 17 Notwithstanding the submitted information, you must apply to us for approval of plan/elevation/section drawings (as appropriate of any replacement or installation of timber skirting, wall panelling and decorations, and internal doors. 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 document. (C26DB)

Reason:

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

- 18 You must apply to us for approval of detailed plan and internal elevation drawings, and specifications for the materials and design of the works, for any restoration works of internal chimney breasts and adjoining hearths. 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 and specifications. (C26DB)

Reason:

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

- 19 Notwithstanding the submitted drawings, you must apply to us for approval of plan/elevation/manufacturers specifications (as appropriate) and confirmation of colouring of the following parts of the development:- , , External elements of dry riser system and adjoining boundary railings, , 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/specifications. (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 Bayswater Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 20 You must apply to us for approval of details of any new internal lighting to the building including details of fittings and their relationship to the ceilings and any associated alterations to fabric. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details. (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building. 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)



- 21 You must scribe all new partitions around the existing ornamental timber or plaster decorative features/mouldings. (C27JA)

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)

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

Reason:

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

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

Reason:

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

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

Reason:

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

- 25 You must apply to us for approval of a sample panel (no larger than 300mm x 300mm) of a colour sample and also include a statement of justification for the colour chosen for any repainting of any external render in a differing colour to the existing external render. 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 the colour sample submitted. (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 Bayswater Conservation Area. This is as set out in Policies 38 and 39 of the City Plan 2019 - 2040 (April 2021). (R27AC)

- 26 You must apply to us for approval of a schedule (or annotated plan drawings) cross-referenced to example elevation and section drawings to show the design of new internal doors and surrounding architraves to the building, and in addition any works to existing door openings at ground, first and second floor levels. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these drawings. (C26DB)

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

- 27 You must apply to us for approval of detailed drawings and images (as appropriate) cross-referenced to plans of the building showing the location and nature of any works to floor finishes within the building. 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 and images (C26DB)

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

- 28 Notwithstanding the submitted drawings, you must apply to us for approval of a detailed schedule of removal of any timber joists to the ceiling above ground floor, first floor and/or second floor levels, including justification for the removal based on photographs and a written description describing their condition. 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 and submitted details. (C26DB)

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

**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 With regards to condition 10, you are strongly advised to consider the design and detailing of the more convincingly original front entrance doors to the western end of Lancaster Gate
- 4 With regards to condition 12, you are advised that the brickwork should follow the yellow stock brickwork of the rear wings along the terrace, including their toned down, soot stained appearance (and as such, soot staining the brickwork may be required), and that the bond should be confirmed as Flemish bond and with flush pointing
- 5 With regards to condition 13, you are advised that the restoration works to the boundary railings on the Craven Terrace elevation of the building should include the restoration of missing finials to those railings
- 6 With regards to condition 18, you are advised that several chimney breasts internally to the building have been truncated in the past below the level of former suspended ceilings, and the strong desire is for these to be reinstated to floor level in brickwork appropriately toothed into the existing adjoining building fabric and with appropriate stone hearths included to restore these internal features to their original condition.
- 7 With regards to condition 19, the external equipment must be black in colour, and you should seek to extend the run of existing boundary railings around to meet the building line, and set the

Item No.
<b>1</b>

equipment behind that line and seek to develop a scheme with the equipment as integrated behind railings and discreet as is possible

- 8 With regards to condition 20, you are advised that for a positive outcome to be made on the application, only either pendant lights and/or wall lights will be supported to non-bathroom rooms at ground, first, second or third floors, or in locations where rooms retain or are having restored back lath and plaster finishes to ceilings

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.