



City of Westminster

Committee Agenda

Title:

Planning Applications Sub-Committee (2)

Meeting Date:

Tuesday 6th June, 2017

Time:

6.30 pm

Venue:

Room 3.1, 3rd Floor, 5 Strand, London, WC2 5HR

Members:

Councillors:

Melvyn Caplan (Chairman)
Ruth Bush
Paul Church
Gotz Mohindra



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

Admission to the public gallery is by ticket, issued from the ground floor reception from 6.00pm. If you have a disability and require any special assistance please contact the Committee Officer (details listed below) in advance of the meeting.



An Induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter. If you require any further information, please contact the Committee Officer, Tristan Fieldsend, Committee and Governance Officer.

**Tel: 020 7641 2341; email: tfieldsend@westminster.gov.uk
Corporate Website: www.westminster.gov.uk**

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

AGENDA

PART 1 (IN PUBLIC)

1. MEMBERSHIP

To note any changes to the membership.

2. DECLARATIONS OF INTEREST

To receive declarations by members and officers of the existence and nature of any personal or prejudicial interests in matters on this agenda.

3. MINUTES

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

4. PLANNING APPLICATIONS

Applications for decision

Schedule of Applications

- | | |
|---|-------------------------|
| 1. 96 CLIFTON HILL, LONDON, NW8 0JT | (Pages 3 - 24) |
| 2. 33 SEYMOUR PLACE, LONDON, W1H 5AP | (Pages 25 - 52) |
| 3. SUSSEX LODGE, SUSSEX PLACE, LONDON, W2 2SQ | (Pages 53 - 78) |
| 4. 17 LOWNDES CLOSE, LONDON, SW1X 8BZ | (Pages 79 - 94) |
| 5. CARRIAGE HALL, 28 TO 30 FLORAL STREET AND 19-25 LONG ACRE, LONDON, WC2E 9DP | (Pages 95 - 102) |

Charlie Parker
Chief Executive
26 May 2017

Agenda Annex

CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 6th June 2017
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	RN(s) : 16/09197/FULL Abbey Road	96 Clifton Hill London NW8 0JT	Change of use of part ground, first and second floor to 2 residential flats (Use Class C3). Associated alterations to front garden to accommodate bike and bin store and installation of skylight to roof (The Clifton Public House)	
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
2.	RN(s) : 16/12027/FULL 16/12028/LBC Bryanston And Dorset Square	33 Seymour Place London W1H 5AP	Erection of a two storey roof extension on the northern building for use as five residential flats, with associated terraces at third and new fourth and on the flat roof of the southern building; erection of extensions at rear first to new fourth floor to accommodate the new residential access, and creation of a new ground floor entrance door in Seymour Place; new plant room at rear first floor level and internal alterations.	
	Recommendation 1. Grant conditional permission 2. Grant conditional listed building consent 3. Agree the reasons for granting listed building consent as set out in Informative 1 of the draft decision letter.			
Item No	References	Site Address	Proposal	Resolution
3.	RN(s) : 17/00622/FULL Hyde Park	Sussex Lodge Sussex Place London W2 2SQ	Demolition of existing boiler room facing Sussex Mews East and erection of two storey building for use as 2 residential houses (Use Class C3).	
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
4.	RN(s) : 16/11344/FULL Knightsbridge And Belgravia	17 Lowndes Close London SW1X 8BZ	Excavation of a basement incorporating a lightwell to rear and minor alterations to rear elevation.	
	Recommendation Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
5.	RN(s) : 17/01008/FULL	Carriage Hall, 28 To 30 Floral Street And 19-25	Installation of gates to Banbury Court and associated works.	

CITY OF WESTMINSTER
PLANNING APPLICATIONS SUB COMMITTEE – 6th June 2017
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

	St James's	Long Acre London WC2E 9DP		
	Recommendation Grant conditional permission.			

Agenda Item 1

Item No.

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 6 June 2017	Classification For General Release	
Report of Director of Planning	Ward(s) involved Abbey Road		
Subject of Report	96 Clifton Hill, London, NW8 0JT		
Proposal	Change of use of ground (part), first and second floors to 2 residential flats (Use Class C3). Associated alterations to front garden to accommodate bike and bin store and installation of skylight to roof. (The Clifton Public House)		
Agent	Mr Gordon Young		
On behalf of	Mr Yew Wing Ho		
Registered Number	16/09197/FULL	Date amended/ completed	28 November 2016
Date Application Received	24 September 2016		
Historic Building Grade	Unlisted		
Conservation Area	St John's Wood		
Licensed opening hours of ground and basement Public House	Monday to Saturday: 10:00 to 23:30 Sunday: 12:00 to 23:00		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

The application site is a detached three storey building with basement, which is currently vacant and undergoing building works. Its lawful use is as a public house and is a designated Asset of Community Value (ACV). Although the property is not listed it is an unlisted building of merit and is located within the St Johns Wood Conservation Area. The building has been vacant since 2013, but the ground and basement have recently re-opened as a public house.

Permission is sought for the change of use of the first and second floors of the building from ancillary pub accommodation to two self-contained residential flats (Use Class C3). Associated alterations are proposed at ground floor level to provide access to the flats. A bike and bin store is also proposed in the front yard area.

Objections have been received namely in relation to the operation of the pub and the loss of the ancillary pub accommodation.

The key issues in relation to this application are:

- The acceptability of the proposals in land use terms;
- The impact of the proposals on the amenity of surrounding occupiers;
- The impact of the proposals on the highways network; and
- The impact of the use on the conservation area.

The application is recommended for approval as it is considered that, subject to conditions, the proposed development complies with policies in our Unitary Development Plan (UDP) and the City Plan.

4. PHOTOGRAPHS



Street view of building



Front garden

5. CONSULTATIONS

ST JOHN'S WOOD SOCIETY:
No objection raised.

ENVIRONMENTAL HEALTH:
Raise no objection. Sufficient information has been provided to protect future occupiers from the risk of noise and vibration from the public house below. Request a 'deed of easement agreement' and conditions to protect occupiers from external noise.

HIGHWAYS PLANNING:
Raise an objection as existing parking stress levels are high, therefore, additional residential parking will not be readily absorbed into the highway network. Also object due to insufficient size of cycle parking.

CLEANSING:
Objection to proposed waste and cycle storage. No details of waste storage for the public house.

PLANNING ENFORCEMENT TEAM:
Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 22

Total No. of replies: 5

No. of objections: 3 objections raising some or all of the following points:

Land Use:

- Building was designed to operate as a single commercial entity
- Incompatibility of two uses with likely noise complaints from new residential regarding the pub. If permitted onerous conditions would be required on the license limiting the operation of the pub.
- Lack of marketing information regarding the letting of the whole building as a pub.
- No objection subject to the public house retaining its ACV status.

Design:

- No heritage statement submitted therefore the applicant has to meet Westminster's validation requirements.
- Negative impact on heritage asset.
- Binstore will be unsightly and cause smells which will have a negative effect both to the street scene and to patrons of the pub.

Highways:

- Lack of parking.

Other:

- Entrance to the pub would have to be via the side entrance, which is narrow and would lead to patrons over spilling into and blocking the side alley which is used by the tenants to the properties to the rear.

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- Recommendations that a new entrance is formed to the pub on the front elevation of the building.
- Inconsistencies between the planning application and the licensing plan.
- Bin store will reduce visual amenity

No. in support: 2 who consider the proposals to be acceptable / beneficial.

1 letter from the Freeholder in relation to the use of the upper floors.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site is a detached building comprising of two storeys plus basement and attic situated on the north side of Clifton Hill. Although the property is not listed it is designated as an unlisted building of merit which positively contributes to the St Johns Wood Conservation Area. To the rear of the property is a conservatory and toilet block extension and stairs which lead down from first floor to ground floor level. A warehouse building containing a mix of uses, including offices and luxury car hire club is located to the rear of the application site, accessed by the alley running along the south western boundary of the site.

The building was last in use as The Clifton Public House and is designated as an Asset of Community Value (ACV). The pub has been closed since 2013, but recently reopened providing a public house over basement and ground floor levels only. The first and second floors (subject to this application) remain vacant.

6.2 Recent Relevant History

17/01462/FULL – Extension of ventilation flue on the rear elevation
Application permitted 9 May 2017

16/11299/FULL - Alterations including: The installation of condenser units and fan at rear ground floor level; extension to existing flue on the rear elevation; installation of light fitting to side entrance; alterations to the boundary walls of the front patio garden to change access points.
Application Withdrawn 23 January 2017

16/03034/FULL - Alterations including erection of side portico extension with the installation of an associated access ramp, increasing the width of wall and column to front boundary, and extension of ventilation duct to rear elevation.
Application Withdrawn 2 August 2016

14/12718/FULL - Use as a single family dwelling and internal and external alterations including lowering of existing basement, demolition of the rear conservatory and toilet block,

formation of rear amenity space with glass balustrade and steps, provision of car parking space to front garden with associated alterations to boundary walls and paving.
Application Refused 18 August 2015

08/09330/FULL - Replacement of existing kitchen extract and ductwork to rear elevation.
Application Permitted 22 July 2009

05/03555/FULL - Installation of new entrance door and side screen to front facade.
Application Permitted 11 July 2005

02/02664/FULL - Replacement of paving to front beer garden and installation of extract fans to rear windows.
Application Permitted 24 June 2002

02/00127/FULL - Installation of a rear fire escape staircase.
Application Permitted 21 March 2002

7. THE PROPOSAL

Permission is sought for the change of use of part of the ground floor to provide access up to the upper levels in association with the use of the first and second floors of the building from ancillary pub accommodation to two self-contained residential flats (Use Class C3). Associated alterations are to install a new bike and bin store within the front yard

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Ground and basement			
Pub (A4)	279	273	6
First and second:			
Ancillary Pub (A4)	236	0	236
Residential (C3)	0	236	236

8. DETAILED CONSIDERATIONS

8.1 Land Use

An objection has been received from an action group who seek to protect public houses (planning4pubs) on the grounds that the change of use of the upper floors should be resisted as it will have an unacceptable impact on the character of the area and on the future operation of any pub on the lower floors.

Loss of Public House:

Paragraph 69 of the National Planning Policy Framework (NPPF) and Policy 4.8 of The London Plan (2016) seek to protect against the unnecessary loss of valued facilities and services where they would reduce the community's ability to meet its day-to-day needs and result in the loss of community assets, including public houses.

Similarly policies SS8 of the UDP and S13 of the City Plan, seek to protect services in locations where they serve local residents, visitors and businesses.

Officers raised concerns that the public house could become unviable should permission be granted for the change of use of the upper floors. The applicant subsequently provided a viability assessment to demonstrate that the public house (at ground and basement) would remain a viable unit, which has been independently assessed by Fleurets on behalf of the City Council. The consultant has noted that a key consideration will be the moving of the kitchen from first floor to basement level and the requirement for new ventilation. He notes that *'the loss of the domestic accommodation will not adversely affect the trade performance of the business in terms of sales, it may however have a slight adverse effect on profitability as staff will not be able to live on site. Many town centre licensed businesses be they bars and/or restaurants trade as 'lock-ups' i.e. no domestic accommodation and they remain profitable. I have no reason to believe this would not be the case at the Clifton PH.'* He concludes that the reconfiguration of the Clifton PH is viable dependant on two factors: That consents are gained for the installation of ventilation / extraction; and that access is available to the pub from Clifton Hill, as it is noted that a gate has been erected across the alleyway to the side of the pub.

Permission has recently been granted for the installation of a flue to the rear of the pub, providing ventilation down to the new basement kitchen. Access is to be retained from Clifton Hill, albeit from a southern side entrance rather than the entrance on the northern side of the pub.

While the objections in relation to the loss of the pub and its future viability are noted, given that the pub has recently re-opened and the conclusions of the independent viability assessment, it is not considered that refusal on the grounds of the loss of the ancillary accommodation could be sustained as the ACV/local service is maintained in a viable format. The loss of the ancillary accommodation is therefore considered to be in accordance with local, regional and national policies/guidance as set out above.

Residential use

Policies H3 of the UDP and S14 of the City Plan seek to encourage the provision of more residential floorspace including the creation of new residential units. The proposed flats are therefore welcomed in relation to these policies. Policy H5 and S15 relate to housing mix. It is considered that the proposed 2x2 bedroom flats is acceptable and maximize the number of units on site. Both flats meet the requirements of the Nationally Described Housing Space Standards (2015).

Objections have been received on the grounds that the use as residential would lead to complaints in relation to the public house due to noise disturbance. During the course of the application Environmental Health Officers (EHO) requested additional information in relation to how the flats would be protected from noise travelling between the public house and the new residential accommodation. Following the submission of additional information, the EHO has raised no objection to the proposals subject to suitable conditions being attached to the draft decision letter. They do however note that this is on the basis of the operation of the pub being in a particular manner (gastro pub with background music). They note that a 'deed of easement agreement' should be formalised to secure this type of use. As this application relates to the upper floors, and not to the operation of the pub, it is not considered that the requirement of such an agreement could be sustained. Given that the

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public house in this location is historic, it is considered that such considerations will be subject to any future licensing application, which can include details such as music to ensure that this does not cause disturbance.

The EHO has also commented that limited detail in relation to disturbance from outside sources has been provided, namely the outside seating area to the front of the pub. There are numerous other residential occupiers in close proximity, it is therefore considered that this can be secured by way of condition.

It should also be noted that should permission be granted for the change of use, it will to an extent be a matter of 'buyer beware', given that the public house is now operating on the lower floor levels. The pub is also located within a residential area, and will therefore need to operate in a suitably managed way in order to ensure it does not attract undue complaints from both existing and new neighbouring residents.

In summary, subject to the aforementioned conditions, it is considered that the proposed residential use is acceptable in this location.

8.2 Townscape and Design

The significance of the application site as an unlisted building of merit located within the St John's Wood Conservation Area derives from its appearance, form, scale and long established use as a public house. It is the buildings use which is considered to have determined its scale and form and therefore it could be argued the current form of the building, particularly the core fronting the highway, remains as originally intended and the building can be considered as a completed composition. Furthermore, the scale and form of the building and its contrast to the residential buildings in the street, is considered to contribute to the character and appearance of the area.

An objection has been raised in relation to the impact of the proposed change of use on the heritage asset and the lack of the provision of a heritage statement, contrary to Westminster validation requirements. While a heritage statement has not been provided a design and access statement has been submitted, which is considered sufficient. It is not considered that the change of use will have a negative impact on the character of the area, given that a traditional function of the upper stories of pubs is as living accommodation, as was the case in this instance.

The principle of erecting a bin/cycle store against the side boundary is considered to have a limited impact on the character and appearance of the area given that they are not an uncommon feature to find in a residential street. However, whilst the footprint of the store has been shown on the proposed ground floor plan, it is not shown in elevation and no details regarding its detailed design and materiality have been provided. A condition is therefore recommended requiring the submission of further details.

Subject to the recommended conditions the proposals would be consistent with policies S25 and S28 of the City Plan and policies DES1 and DES 5 of the UDP.

8.3 Residential Amenity

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Given that the upper floors of the public house were previously used as ancillary staff accommodation, it is not considered that their use as two residential flats would give rise to any significant additional negative impacts on adjacent residential amenity.

8.4 **Transportation/Parking**

The Highways Planning Manager and an objector have noted that the proposals do not include car parking, which is contrary to Policy TRANS23 of the UDP. The site is in an area where on street parking is already at stress levels, in excess of 80% occupancy. While these concerns are noted it is not considered that refusal on these grounds could be sustained, given that only two units are proposed and the location of the site within easy reach of public transport. A condition is also recommended for details to be submitted to provide car club membership for the two new units, which will help to promote this scheme rather than occupiers taking up a parking space.

The Highways Planning Manager has also commented in relation to the cycle parking to the front of the property with the waste store is of insufficient size to provide for 4 bikes and would be unattractive due to its location with the bins. Given the constraints of the site, it is not considered that refusal on these grounds could be sustained. However a condition is recommended for details of the cycle store to be provided. It will be up to the applicant to demonstrate if this is to be located internally or within the front garden as indicated on the submitted plans.

8.5 **Economic Considerations**

Any economic benefits from the development proposals are welcomed.

8.6 **Access**

Objections have been received on the grounds of disparities between the premises license and the planning drawings, with the licensing drawings showing the side entrance in a slightly different arrangement from the planning drawings. An onsite inspection indicates that the planning drawings are accurate and therefore any issues with the premise license will need to be addressed by licensing, an informative is recommended to advise the applicant of this error.

Concerns have also been raised in relation to the access point of the pub moving from the eastern side of the property to the western side and in relation to patrons spilling out onto the side alleyway. The entrance is being moved as a result of the eastern side entrance being used as the new residential access to the upper floors.

It is not considered that refusal on these grounds could be sustained, as planning permission is not required for the pub to use its existing western access as historically the pub had two entrances, one on the east and one to the west. While it is noted that the intensity of use of the western access will increase, as permission is not required for this alteration, and this entrance is outside of the demised of this planning application (which relates to the upper floors) it would be unreasonable to limit access.

In relation to people spilling out into the side alley, it should be noted that the licensing plan indicates that the pub is not licensed within this area, with only the internal areas and the

front garden being licensed. Any issues in relation to people using this side alley will be a management matter for the pub operator.

8.7 Other UDP/Westminster Policy Considerations

The implications of the revisions to the City Plan for the development subject of this report are outlined elsewhere in the report

An objection has been received on the grounds that the indicated waste store is of insufficient size for the proposed residential use. A condition is therefore recommended for the provision of an amended waste store to be provided.

8.8 London Plan

Policies in relation to the London Plan are addressed elsewhere within this report, namely section 8.1.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

Based on the applicants floorspace figures of 236sqm of new residential floorspace and subject to any relief or exemptions that may be applicable, the estimated Westminster CIL payment is £129,800 (residential prime location). The estimated Mayoral CIL payment is £11800.

8.11 Environmental Impact Assessment (EIA)

This application is of insufficient scale to trigger the requirement of the submission of an EIA.

8.12 Other Issues

None

9. BACKGROUND PAPERS

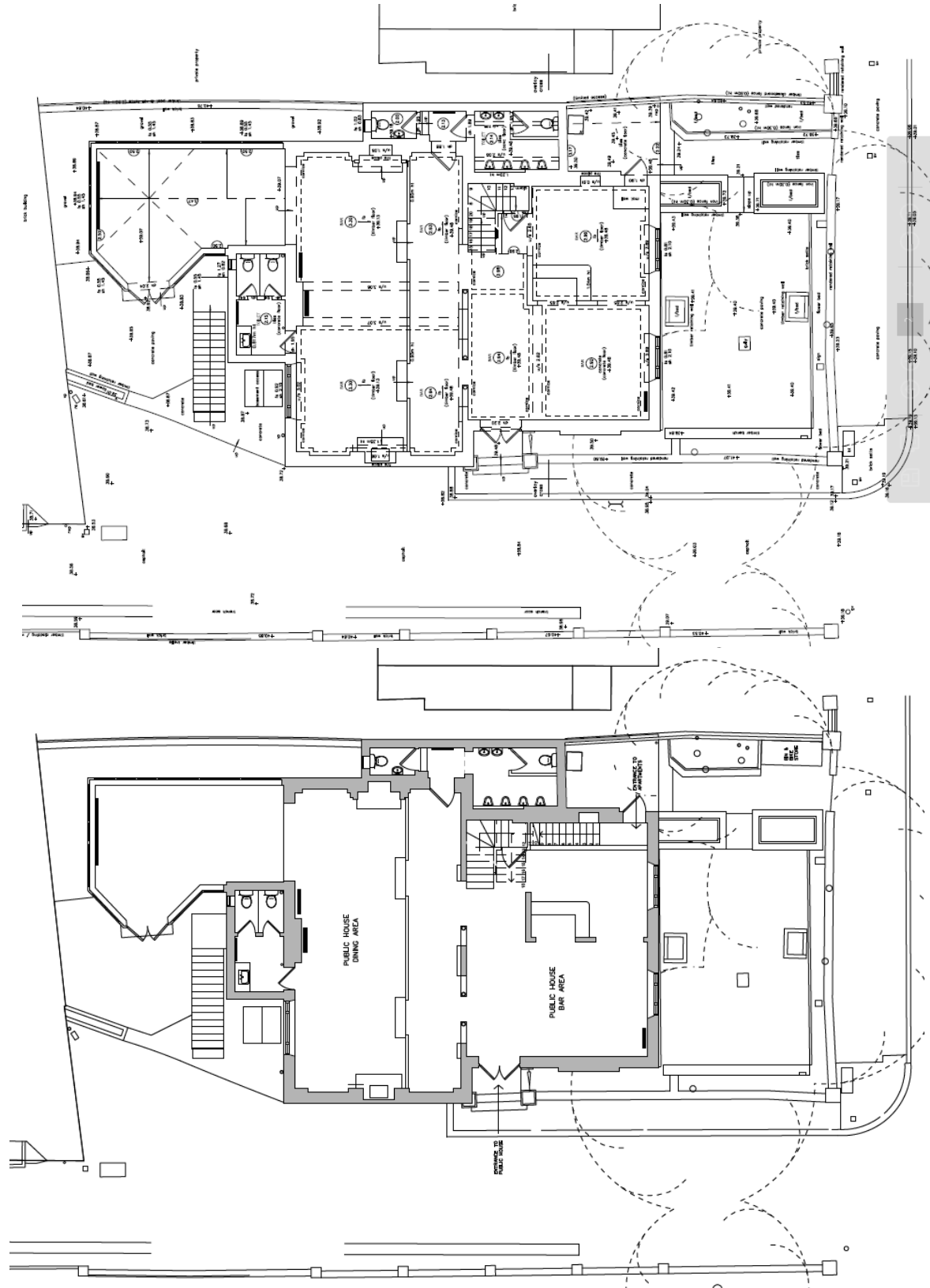
1. Application form
2. Response from St John's Wood Society, dated 19 December 2016
3. Response from Environmental Health, dated 26 April 2017
4. Responses from Highways Planning, dated 18 January 2017
5. Letter on behalf of 96a Clifton Hill c/o Andrews Garage, 22 St Mark's Road, dated 15 December 2016
6. Letter on behalf of 96a Clifton Hill from PKP French Solicitors, received 15 December 2016
7. Letter from Planning 4 Pubs, received 18 January 2017
8. Letter from occupier of 96 Clifton Hill, London, dated 15 February 2017
9. Letter from occupier of 97 Clifton Hill, dated 22 February 2017

10. Letter from occupier of 90C Clifton Hill, dated 17 May 2017

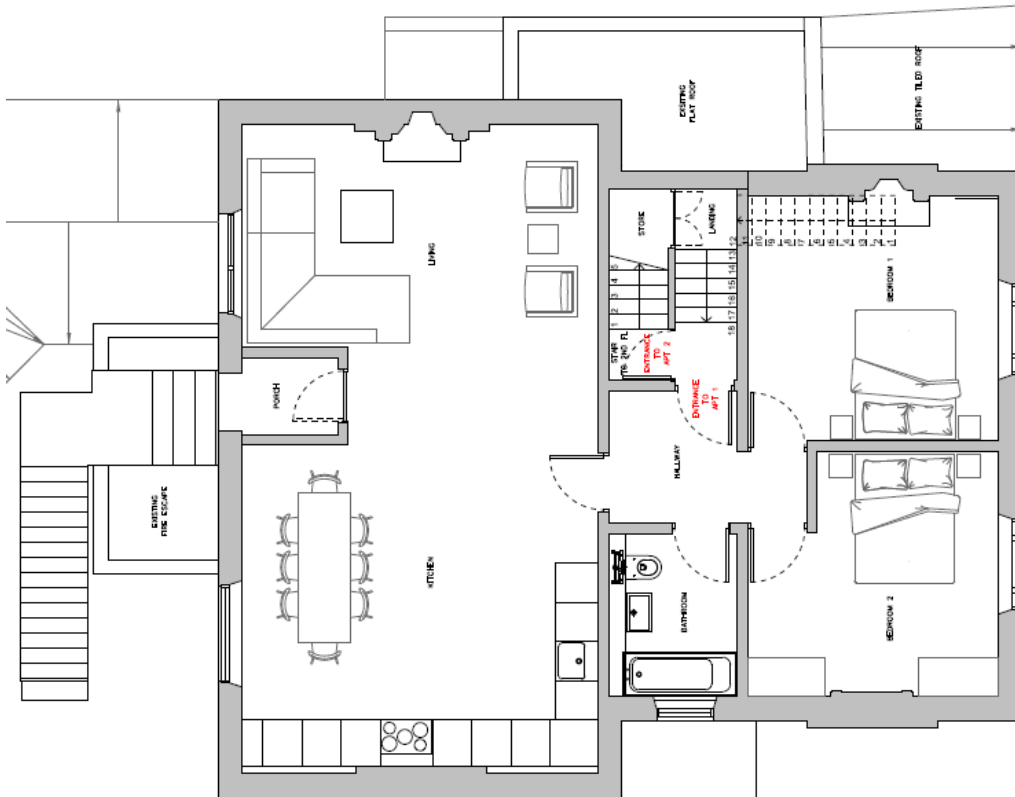
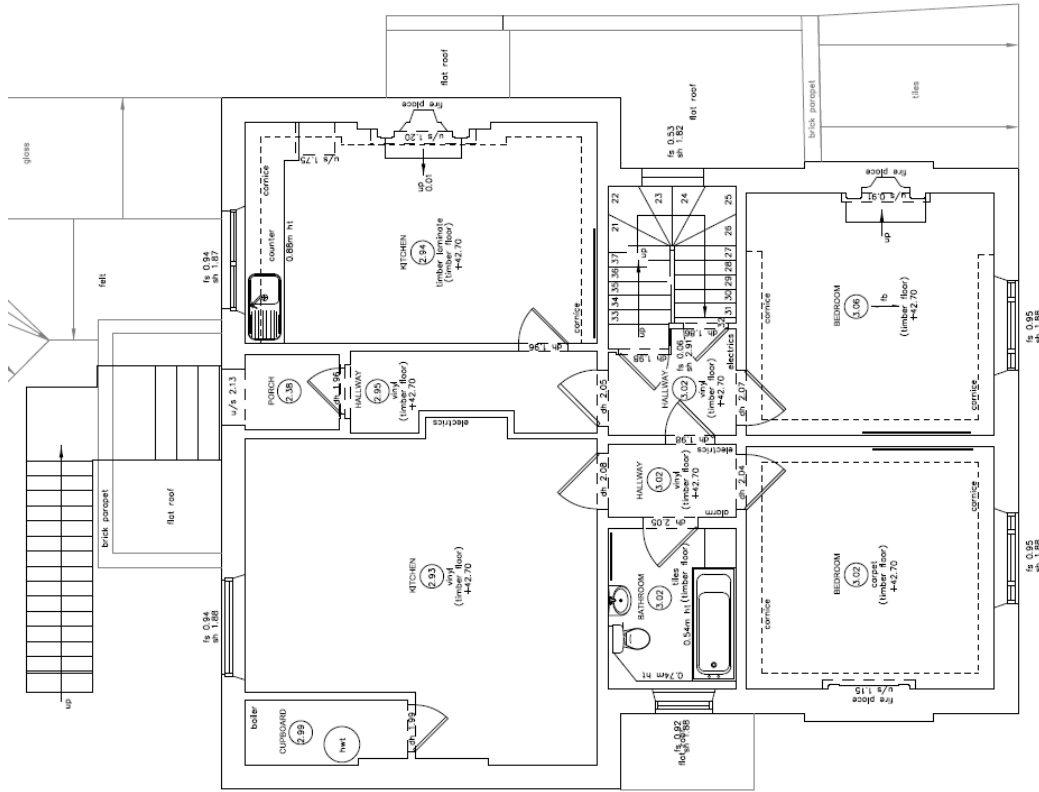
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: RUPERT HANDLEY BY EMAIL AT rhandley@westminster.gov.uk

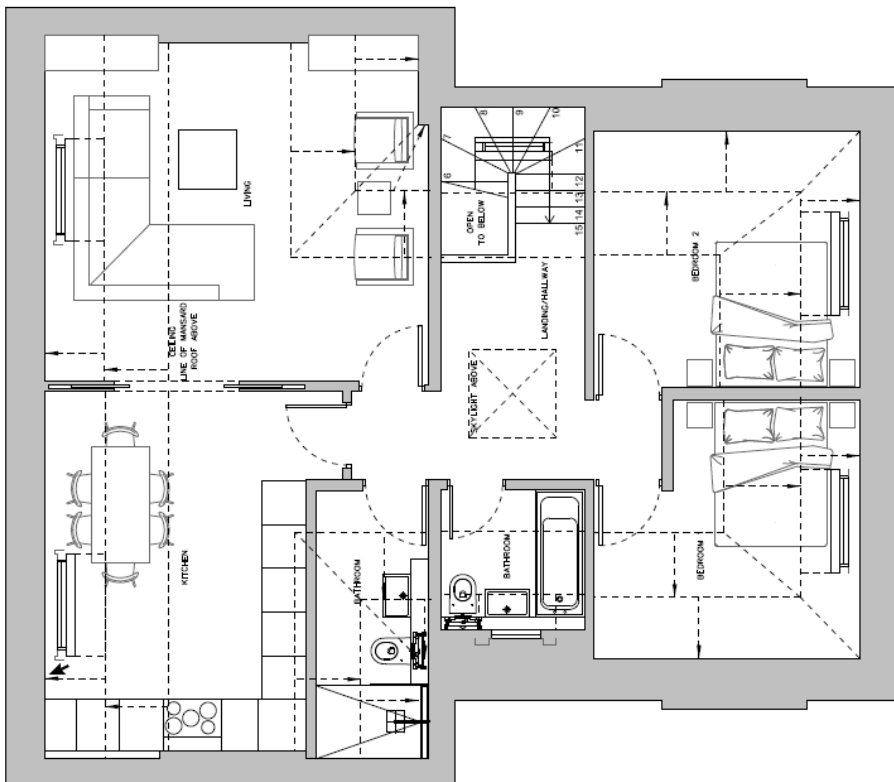
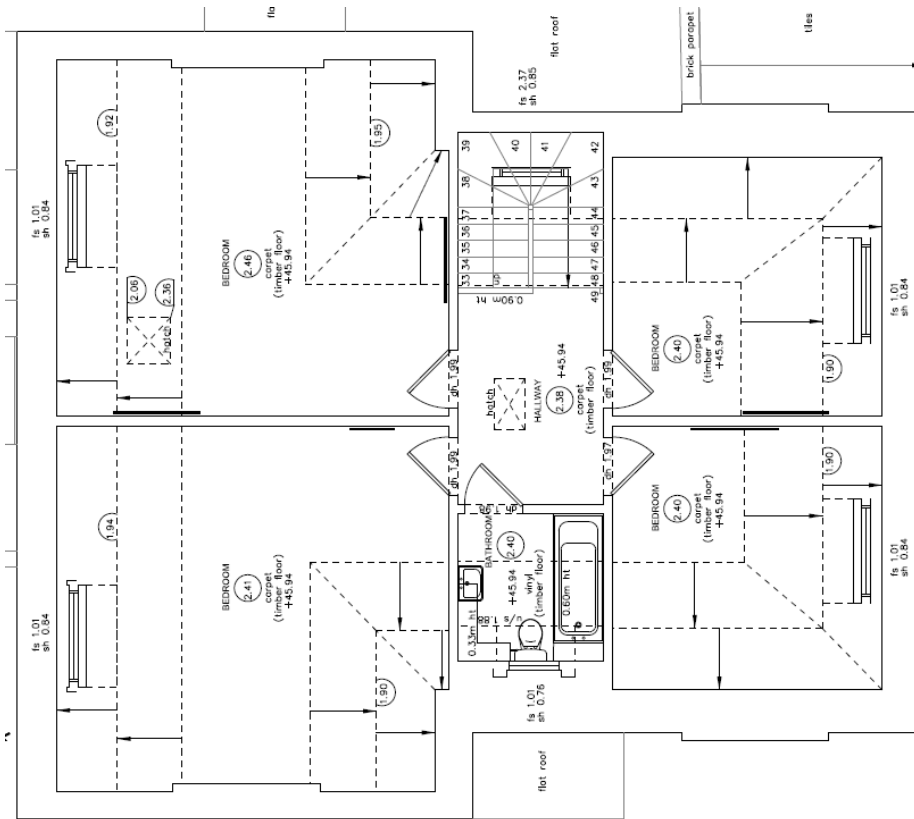
10. KEY DRAWINGS
Existing (above) proposed (below) ground floor plans



Existing (above) proposed (below) first floor plans



Existing (above) proposed (below) second floor plans



DRAFT DECISION LETTER

Address: 96 Clifton Hill, London, NW8 0JT,

Proposal: Change of use of ground (part), first and second floors to 2 residential flats (Use Class C3). Associated alterations to front garden to accommodate bike and bin store and installation of skylight to roof. (The Clifton Public House)

Plan Nos: (02)01; (02)02; (02)03; (02)04; (02)05; (03)01 ; (03)02; (03)03; (03)04; (20)01; (20)02; (20)03; (20)04; (20)06; (21)01; (21)02; (21)02; (21)03; (21)04; Design & Access Statement Rev A; Sound Insulation report 161007-002A by ACA Acoustics; Letter dated 20 April 2017 from ACA Acoustics.

Case Officer: Rupert Handley

Direct Tel. No. 020 7641 2497

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

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

Reason:

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

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

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

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

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

Reason:

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

- 3 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)

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Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St Johns Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must apply to us for approval of detailed plans, elevations and sections of the following parts of the development - the new bin and cycle store. You must not start any work on these parts of the development until we have approved what you have sent us.

You must then carry out the work according to these details. (C26DB)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the St Johns Wood Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

- 6 You must apply to us for approval of sound insulation measures and a Noise Assessment Report to demonstrate that the residential units will comply with the Council's noise criteria set out in Condition 5 of this permission. You must not start work on this part of the development until we have approved what you have sent us. You must then carry out the work according to the details approved before the residential units are occupied and thereafter retain and maintain.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels.

- 7 The design and structure of the development shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16

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hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night.

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

- 8 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the . (C14EC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

- 9 You must apply to us for approval of details of secure cycle storage for the residential use. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

Reason:

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

- 10 You must not start work on the site until we have approved appropriate arrangements to secure the following:

- Lifetime (25 years) car club membership for each residential unit.

In the case of each of the above benefits, you must include in the arrangements details of when you will provide the benefits, and how you will guarantee this timing. You must only carry out the development according to the approved arrangements.

Reason:

To make sure that the development provides the planning benefits that have been agreed, as set out in S33 of Westminster's City Plan adopted November 2016 and in STRA25 and TRANS23 of our Unitary Development Plan adopted January 2007.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National

Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please phone our Highways Licensing Team on 020 7641 2560. (I35AA)
- 3 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 4 You are advised that there are discrepancies between the licensing plan and the access to the side of the pub, namely that a portico is shown on the licensing plan which does not exist. You are advised to contact licensing in relation to this error.
- 5 The design and structure of the development shall be of such a standard that the dwelling is free from the 29 hazards listed under the Housing Health Safety Rating System (HHSRS). However, any works that affect the external appearance may require a further planning permission. For more information concerning the requirements of HHSRS contact:

Residential Environmental Health Team
4th Floor East, Westminster City Hall
64 Victoria Street
London SW1E 6QP
www.westminster.gov.uk
Email: res@westminster.gov.uk
Tel: 020 7641 3003 Fax: 020 7641 8504.

- 6 Under condition 17, we are likely to accept a legal agreement under section 106 of the Town and County Planning Act to secure:
 - Lifetime (25 years) car club membership for each residential unit.

Please look at the template wordings for planning obligations (listed under 'Supplementary

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planning guidance') on our website at www.westminster.gov.uk. Once the wording of the agreement has been finalised with our Legal and Administrative Services, you should write to us for approval of this way forward under this planning condition

- 7 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form** **immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:
<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Forms can be submitted to CIL@Westminster.gov.uk

Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.

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CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 6 June 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bryanston And Dorset Square	
Subject of Report	33 Seymour Place, London, W1H 5AP,		
Proposal	Alterations including the erection of a third and fourth floor roof extension on the northern building for use as five residential flats with associated terraces on third and fourth floors and on the roof of the southern building; erection of rear extensions on first to new fourth floors to provide a new residential stair/lift access and creation of new residential entrance in Seymour Place; new plant room at rear first floor level and internal alterations.		
Agent	JLL		
On behalf of	WLS Seymour Place Ltd		
Registered Number	16/12027/FULL and 16/12028/LBC	Date amended/ completed	10 January 2017
Date Application Received	19 December 2016		
Historic Building Grade	Grade II		
Conservation Area	Portman Estate		

1. RECOMMENDATION

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

2. SUMMARY

<p>The application site comprises two, architecturally distinct, buildings which are linked on all floors and used in connection with the West London Synagogue (WLS). The building to the south, on basement, ground and four upper storeys, is known as Leo Baeck House. The northern building is grade II listed and comprises basement, ground and two upper floors. Notwithstanding the differing number of floor levels, the buildings are the same height. Permission is sought for the erection of a two storey roof extension to the northern building to provide five flats, with associated terraces. Rear extensions are also proposed to accommodate a repositioned and enlarged stair/new lift enclosure. A similar scheme was approved in February 2016.</p>

The key issues for consideration are:

- The impact on amenity of neighbouring residential occupiers including loss of light, loss of privacy and increased noise/vibration; and
- The impact of the proposals upon the on the listed building and the Portman Estate Conservation Area.

Objections have been received on land use, amenity and parking grounds. The proposals are considered acceptable and accord with relevant policies in Westminster's City Plan (City Plan) and the Unitary Development Plan (UDP).

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3. LOCATION PLAN



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4. PHOTOGRAPHS

View from corner of Seymour Place



View from Wythburn Place

5. CONSULTATIONS

THE MARYLEBONE ASSOCIATION

Any response to be reported verbally.

ENVIRONMENTAL HEALTH

No objection.

CLEANSING

No objection.

HIGHWAYS PLANNING MANAGER

Objection – lack of off-street car parking.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 325

No of replies: 10

Ten objections, including letters from the Chairmen of the Bryanston Court Residents' Association and the Wythburn Court Residents' Association raising objections on all or some of the following grounds:

Land use

- No requirement for additional flats in this location.
- New flats will not benefit the local community.

Amenity

- Loss of daylight/sunlight.
- Loss of privacy.
- Noise, vibration and heat generation from plant and lift operation.

Design

- Increase in height and bulk.

Parking

- Additional on-street parking pressure in the area and increased footfall.

Other

- Noise, disturbance and loss of privacy during construction works.
- Impact on property values.
- Inadequate consultation.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

33 Seymour Place comprises two architecturally distinct buildings within the Portman Estate Conservation Area. Both buildings, which are linked on all floors, are used in connection with the West London Synagogue (WLS) although the main Synagogue building is not part of the application site. The building to the south of the site (Leo Baeck House) comprises basement, ground and four upper storeys. The northern building is grade II listed and comprises basement, ground and two upper floors. The buildings are the same overall height due to their differing internal floor to ceiling heights.

A school currently occupies part of the site, while the remainder of buildings are vacant. The second floor was last in use as a nursery and the roof at third floor level was used as an external play area (for the nursery only). The entire use of the site falls within Class D1 of the Use Classes Order.

The listed, northern, building is adjacent to a large residential mansion block (Bryanston Court). There are also residential properties to the south, on Upper Berkeley Street and opposite on Seymour Place.

There is an existing escape staircase to the rear of the northern building, which is set away from the boundary with Bryanston Court.

6.2 Recent Relevant History

February 2016 - Planning permission and listed building consent were granted for the erection of a two storey roof extension (third and fourth floors) on the northern building for use as five flats, with associated terraces on third and fourth floors and on the roof of the southern building (fifth floor); rear extensions on first to new fourth floors to accommodate the new residential access, the installation of a plant room at rear first floor level and for the creation of a new ground floor entrance in Seymour Place. This permission has not yet been implemented.

7. THE PROPOSAL

Permission is again sought for the erection of a two storey roof extension to the grade II listed building to provide five flats, with terraces at third and fourth floor level and on part of the roof of the southern building. The extension will be set back from the Seymour Place frontage and will comprise a double mansard roof extension.

Rear extensions are proposed at first to new fourth floor levels to provide a residential stair/lift, which is accessed from a new entrance proposed on Seymour Place. Due to the incorporation of a new lift, the lift/stair enclosure will now extend to the boundary with Bryanston Court and deeper into the application site. As previously, a new plant enclosure is proposed at rear first floor level, although this closure has been enlarged

The proposal is very similar to the scheme approved in February 2016. The main changes are as follows:

- The lift/stair enclosure extends to the site boundary with Bryanston Court and projects further from the rear building line;
- The proposed plant room at rear first floor level is larger than that approved, extending to the same depth as the proposed stair/lift enclosure;
- The form of the proposed roof extension has been modified, by replacing the hipped roof on the southern façade, with a sheer profile and increasing the overall height of the roof extension by 0.5m.
- Internal alterations are proposed at ground floor level to allow for improved access for the Synagogue - to allow for the Rabbis to access the Vestry and to provide access from the main concourse area and to the Synagogue.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Residential use

The scheme would provide 554 sqm (GIA) of new residential floorspace on the site. UDP policy H3 and S14 of the City Plan seek to increase the amount of residential floorspace throughout the City. Objections have been received on the grounds that there are already enough residential properties in the area and that the proposed flats will not benefit the local community. However, given the objectives of the adopted housing policies, and necessity to meet housing targets, it is not considered that the objection to the provision of more flats could be supported.

As previously, the scheme would provide five new flats (2x1 beds, 1x2 bed and 2x3 bed), delivering 40% family-sized accommodation, which complies with UDP Policy H5. All of the flats comply with the minimum space standards set out in the London Plan and would provide a good standard of accommodation.

As the increase in residential floorspace is below 1,000sqm, the scheme does not trigger the Council's affordable housing policy.

8.2 Townscape and Design

The proposal is similar in design terms to that already approved. The increase in height of approximately 0.5 metres is not considered to give rise to significant heritage issues and is considered acceptable. The design of the roof extension at its southern end, is now sheer, rather than hipped. The approved design is considered to be much more successful in architectural terms. An amending condition is recommended to require a reversion to the approved roof profile.

The alterations at the rear of the building are not considered contentious in urban design and conservation terms and are acceptable. Subject to conditions, the proposals are considered to comply with the City Council's policies, including DES 1, DES 6 and DES 9.

The proposed internal alterations at ground floor level are considered acceptable and do not harm the special interest of the building.

8.3 Residential Amenity

There are a number of residential properties in close proximity to the application site. Adjoining the site, to the north, is a large residential mansion block (Flats 55-120 Bryanston Court). Windows in the rear (south) elevation of this building are set back from the boundary with the application site. There is a substantial fire escape stair at the rear.

There is a block of 17 flats opposite the application site. To the south there are five separate properties in Upper Berkeley Street (occupied as flats). Rear windows to these properties overlook the second floor flat roof of the northern building and the side elevation of the Synagogue.

Daylight and Sunlight

Policy S29 of the City Plan aims to improve Westminster's residential environment. UDP Policy ENV13 aims to protect and improve residential amenity, including the level of sunlight and daylight received to existing properties.

The principal BRE methodology for the assessment of daylight values is 'vertical sky component' (VSC). This measures the amount of light reaching the outside face of a window. This has the advantage of enabling the impact to be assessed without accessing the affected properties. BRE guidelines principally seek to protect light to principal habitable rooms including living rooms, kitchen/dining rooms and, to a lesser extent, bedrooms. Under this method, a window achieving a VSC value of 27% is considered to be well lit. If, as a result of the development, light received to an affected window is below 27%, and would be reduced by 20% or more, the loss would be noticeable. The numerical values used in this assessment are not intended to be prescriptive in every case and are to be interpreted flexibly, depending on the given circumstances.

In respect of sunlight, the BRE guide suggests that if a living room has a main window facing within 90 degrees of due south then the sunlighting of the existing dwelling may be adversely affected if it receives less than 25% of annual probable sunlight hours (APSH) or less than 5% of APSH between September and March, and receives less than 0.8 times its former sunlight hours during either period and has a reduction in sunlight received over the whole year greater than 4% of APSH.

The application is supported by a daylight and sunlight report based on guidance published by the Building Research Establishment (BRE). The report assesses the impact on the following properties:

Flats 55-120 Bryanston Court

The existing rear escape stair to the northern building on the application site is set away from the site boundary. The approved scheme provided an access stair/lift enclosure for the new flats which was set slightly inside the site boundary, but did not extend fully to the rear. The current scheme proposes to extend the approved stair and lift enclosure, this would now project further from the rear elevation and would sit closer to the boundary with Bryanston Court. Consequently, there would be losses in daylight to some windows within Bryanston Court which exceed those resulting from the approved scheme.

An objection has been received from the Chairman of Bryanston Court Residents' Association on behalf of all the residential flats. Individual objection letters have been received from occupants of eight flats within the block, objecting to the loss of daylight and sunlight to terraces and windows.

The submitted daylight and sunlight report assesses the impact of the development on 70 windows within Bryanston Court. In the approved scheme, there were losses of VSC over 20% to 20 windows (ranging from 20.54% to 44.32%). There were also losses to the other windows below 20% (ranging from 1.07% – 19.89%).

In the proposed scheme the impact to Bryanston Court increases with 35 of the 70 windows tested losing VSC over 20% (ranging from 20.98% - 55.12%). There are losses below 20% to other windows (ranging from 0.13% - 19.94%). 15 windows that previously complied with the BRE guidelines (losses below 20%) will now experience losses above 20%. Plus, there are additional losses to VSC levels to those 20 windows which failed at the time of the approved scheme.

A site inspection has confirmed that windows facing the application site serve a mixture of bedrooms, kitchens, living rooms and bathrooms. However, not all the flats affected by the development were accessed by the officer.

The daylight and sunlight report has been updated following the approved scheme and the table below includes updated figures for the 35 windows that lose over 20% VSC.

Level	W/Ref	Existing VSC	Proposed VSC	Actual Loss	Total % loss from existing
1 st	W4/500 Living room	11.33	8.49	2.84	25.07%
1 st	W5/500 Bedroom	11.61	7.57	4.04	34.80%
1 st	W6/500 Kitchen	10.93	5.93	5.30	48.49%
1 st	W7/500 Bedroom	9.67	4.34	5.33	55.12%
1 st	W8/500	12.13	9.30	2.83	23.33%
1 st	W9/500 Bedroom	12.15	7.52	4.63	38.11%
1 st	W10/500 Kitchen	10.99	8.74	2.25	20.47%
2 nd	W4/501	16.62	12.88	3.74	22.50%
2 nd	W5/501	16.54	11.33	5.21	31.50%
2 nd	W6/501	15.18	8.03	7.15	47.10%
2 nd	W7/501	13.06	5.92	7.14	54.67%
2 nd	W8/501	15.54	9.38	6.16	39.64%

2 nd	W9/501	15.29	11.44	3.85	25.18%
2 nd	W10/501	14.18	10.70	3.48	24.54%
3 rd	W4/502	23.30	18.51	4.79	20.56%
3 rd	W5/502	22.59	16.14	6.45	28.55%
3 rd	W6/502	20.11	10.88	9.23	45.90%
3 rd	W7/502	16.49	7.68	8.81	53.43%
3 rd	W8/502	18.99	11.51	7.48	39.39%
3 rd	W9/502	18.93	14.33	4.60	24.30%
3 rd	W10/502	18.13	13.31	4.82	26.59%
4 th	W5/503	28.20	20.89	7.31	25.92%
4 th	W6/503	24.55	13.82	10.73	43.71%
4 th	W7/503	19.79	9.90	9.89	49.97%
4 th	W8/503 Kitchen	22.38	14.01	8.37	37.40%
4 th	W9/503	22.75	17.82	4.93	21.67%
4 th	W10/503	21.70	15.81	5.89	27.14%
5 th	W5/504	31.10	24.02	7.08	22.77%
5 th	W6/504	27.44	16.94	10.50	38.27%
5 th	W7/504 Kitchen	22.37	12.56	9.81	43.85%
5 th	W8/504	25.37	16.83	8.54	33.66%
5 th	W10/504	26.16	18.56	7.60	29.05%
6 th	W2/505	21.16	16.72	4.44	20.98%
6 th	W3/505 Kitchen	24.22	18.71	5.51	22.75%
6 th	W7/505 Bathroom	32.36	23.28	9.08	28.06%

The previous permission is a material consideration in the assessment of the current application. The proposed modifications to the lift/stair enclosure has resulted in some additional reduction in VSC, as previously, the actual losses are relatively low and the retained levels are not uncommon for a dense urban environment such as this. On balance the losses are considered acceptable.

The majority of windows currently receive good levels of annual sunlight for this urban context. The existing levels of winter sunlight are low to the lower levels which is to be expected. The APSH figures show that there are losses above that recommended by the BRE.

The worst affected habitable rooms are those that are directly opposite the proposed lift/stair extension and those windows on the boundary of the application site. 19 windows would see a reduction in APSH below 25% (ranging from 20.6% - 54.5%). 11 of the 19 windows currently receive more than 25% of APSH. Therefore the losses to APSH may be noticeable by the occupants. 20 windows would see a reduction in winter sun below 5% (66.7-100%). Some windows experience a 100% loss of winter sun, but in those cases, the existing levels are very low (1-2%) and it is not considered that this reduction would be noticeable. On the upper floors, the existing winter sun levels are very good for this urban location and in excess of those levels within the BRE Guidelines. 10 windows which currently receive winter sunlight levels in excess of BRE guideline (5% and above) would see reductions to below 5%. In these circumstances it is considered that the resulting levels may be noticeable by the occupants. Notwithstanding this, when compared to the approved scheme, it is considered that the additional losses to APSH are not sufficiently harmful to justify refusing permission.

Objections have also been received relating to the loss of sunlight to the south facing terraces on Bryanston Court. Given the terraces are at a high level any impact is likely to be negligible.

29 Upper Berkeley Street

This building is situated to the south of the application site. The buildings share a party wall. The property is occupied as five flats. The application site extends in front of the rear, north facing, windows within No.29 and this has an impact on the existing levels of light received by this property. The occupiers have not objected to the current scheme, although objections were received to the previous application.

Any reductions in VSC are below the 20% threshold. As rear windows facing north, and as the proposed development is to the north of them, no sunlight assessment is required. north.

30 Upper Berkeley Street

This is a grade II listed building is located to the south of the application site and is occupied as six flats. No objections have been received from existing residents.

There are losses some losses exceeding the 20% to windows on the lower floors as a result of the proposals. However, although the percentage reductions are high, this is also as a result of current (low) VSC values and the actual reductions are not significant.

Level	Window Ref	Existing VSC	Proposed VSC	Actual Loss	% Loss
Basement	W1/120	3.92	2.98	0.94	23.98%
Ground	W1/121	7.01	5.37	1.64	23.40%

The windows do not need to be tested for sunlight as they face north.

31 and 32 Upper Berkeley Street

These buildings located to the south of the application site, are occupied as flats. Any reductions in VSC are confined to the lower levels of the building but are below 20%.

The windows do not need to be tested for sunlight as the face north and the development is to the north.

34 Seymour Place (Wythburn Court)

This building is opposite the application site and is divided into flats. An objection has been received from the Chairman of the Wythburn Court Residents Association relating to loss of daylight. None of the west-facing windows would see a reduction in VSC beyond the 20% threshold. Losses range between 0.21% and 6.35% and these are considered acceptable.

Any VSC reductions to windows at 26, 28, 30 and 32 Seymour Place are also below 20% and are considered acceptable.

Any sunlight reductions are also within acceptable parameters.

Privacy and sense of enclosure

Objections have been received from the Residents' Association of Wythburn Court, located opposite the application site, on the grounds loss of privacy due to overlooking from the proposed third and fourth floor flats. There is already a degree of mutual overlooking between the two buildings. As with the approved scheme, the new third floor windows are set back from the building edge by 2m, with small terraces to the flat roofed area in front. A further terrace, at the same level, occupies part of the adjacent flat roof to the southern building. Terrace areas are also inset into the fourth floor roof pitch. As previously, given the existing relationship between the buildings and the street width, it is not considered that the use of the new flats or the terrace would have a significant impact upon the amenity of the flats on the opposite side of Seymour Place.

The terrace to the southern roof has been set back from the rear roof edge to reduce its impact on the residential properties in Upper Berkeley Street and is again considered acceptable.

Occupants of Bryanston Court, which adjoins the application site, have also objected on the grounds of overlooking from the proposed flats. There are no windows proposed in the side elevation overlooking the rear of Bryanston Court, therefore there is no opportunity for increased overlooking.

In terms of sense of enclosure, although greater bulk is added compared to the permitted scheme, the overall scale of the development is similar. The outlook from some neighbouring residential widows will inevitably experience an increased sense of enclosure compared to the existing situation, however this is considered to be within acceptable limits, especially when compared to the approved scheme. The relationship between the proposed development and neighbouring properties is comparable to those found throughout the city.

Plant

A new plant room is proposed at rear first floor level and this will be enclosed by an acoustic enclosure. Objections have been received from residents in Bryanston Court and Wythburn Court (opposite the application site on Seymour Place) on the grounds that there will be increased noise and disturbance from the operation of the proposed plant and the lift.

For the purpose of a noise assessment, the proposed flats are the nearest noise sensitive windows (8m). The Environmental Health Officer has raised no objection to the proposal and the plant is likely to comply with the City Council's standard noise conditions which are recommended. The proposed lift is fully enclosed and, due to the number of flats that it would serve, it is not considered that its use would be so intensive as to have an adverse impact on the neighbouring occupiers in Bryanston Court.

Internal and External noise

Windows to the new flats would be fitted with double glazing to ensure to compliance with the standard condition relating to internal noise levels. Internally, to prevent noise transference from the Class D1 activity on the lower floors, soundproofing will be carried out to the floor slabs and ceilings. The Council's standard internal noise conditions are recommended.

8.4 Transportation/Parking

No off-street car parking is proposed for the new flats. UDP Policy TRANS23 requires sufficient off-street parking to be provided in new residential schemes to ensure that parking pressure in surrounding streets is not increased to 'stress levels' The UDP parking standards would normally require one parking space per residential flat which, in this case, would amount to a requirement of five spaces. 'Stress levels' are considered to have occurred where the occupancy of on-street legal parking bays exceeds 80%.

Within a 200m radius of the site, parking occupancy at night time is 50%. During the day, the uptake is 90% meaning that on-street parking is already at 'stress level'. The Highways Planning Manager has objected to the scheme on the basis that the absence of any off-street parking provision would exacerbate existing parking stress levels in the vicinity of the site. Objections have been received from neighbouring residential occupiers on the grounds that the additional flats will have an adverse impact on on-street parking demand and will result in increased footfall in the area.

The site is very well served by public transport and it is considered that the benefit of an increase in residential accommodation in this location outweighs concerns about the impact on parking demand. In order to ameliorate the potential impact, the Highways Planning Manager considers that the provision of lifetime car club membership (minimum 25 years) in association with the new flats would ameliorate the potential impact. As previously, this would be secured by condition.

As the flats will be built above the existing Class D1 accommodation, there is no space to accommodate residents' cycle storage. In these circumstances, it is not considered that it would be reasonable to require such provision.

It is not considered that the increase in footfall associated with the new flats would have a material impact on the operation of the highway network or residents' amenity.

8.5 Economic Considerations

Any economic benefits generated by the scheme are welcomed.

8.6 Access

A separate residential entrance will be created on Seymour Place. Level access will be provided, and this will lead to the stair and lift access to the upper floors.

8.7 London Plan

This application does not raise any strategic issues.

8.8 National Policy/Guidance Considerations

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

8.9 Planning Obligations

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

The combined CIL payment for this development is estimated to be £269,391.24 (£35,525.56 Mayoral CIL and £233.865.68 WCC CIL).

8.10 Environmental Impact Assessment

The proposal is of insufficient scale to trigger the requirement to provide an EIA

8.11 Other Issues

Construction impact

Objections have been received to the impact of the construction works on neighbouring properties, in terms of noise, dust and overlooking. These concerns are noted, however, planning permission cannot be withheld on these grounds. The City Council's standard hours of building work condition is recommended.

Objections have also been received on the grounds that the proposals would have an adverse impact on property values in the area. This is not a material planning consideration.

Objections have been received on the grounds that inadequate neighbour consultation has taken place. The application has been advertised and neighbour consultation undertaken in accordance with the Council's usual procedures.

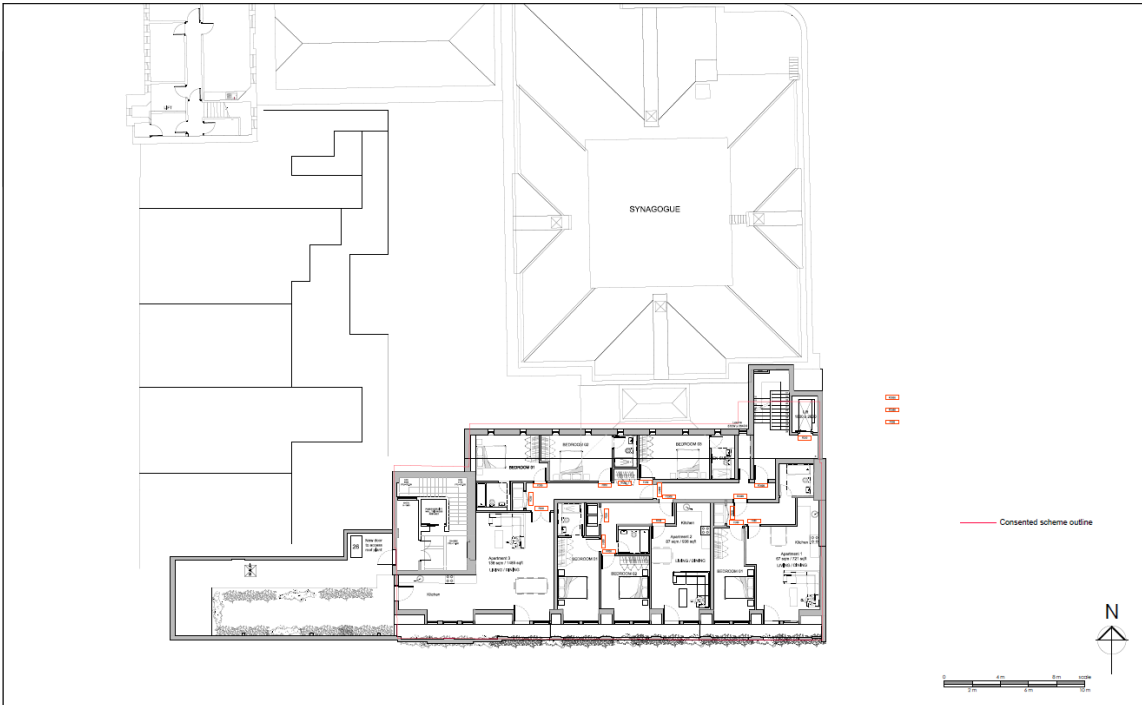
9. BACKGROUND PAPERS

1. Application form.
2. Response from Environmental Health, dated 20 February 2017.
3. Response from Cleansing, dated 20 January 2017.
4. Response from Highways Planning Manager, dated 26 January 2017.
5. Letter from the Bryanston Court Residents' Association dated 18 January 2017.
6. Letter from occupier of Flat 92 Bryanston Court, dated 25 January 2017.
7. Letter from occupier of 89 Bryanston Court dated 27 January 2017.
8. Letter from occupier of 105 Bryanston Court dated 28 January 2017.
9. Letter from occupier/owner of 107 and 108 Bryanston Court dated 18 January 2017.
10. Letter from occupier of 88 Bryanston Court dated 24 January 2017.
11. Letter from occupier of Flat 109, Bryanston Court dated 24 January 2017.
12. Letter from occupier of Flat 101, Bryanston Court dated 24 January 2017.
13. Letter from occupier of Flat 10 Wythburn Court, Seymour Place, dated 28 January 2017.
14. Letter from the Wythburn Court Residents' Association dated 25 January 2017.

(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: VINCENT NALLY BY EMAIL AT vnally@westminster.gov.uk

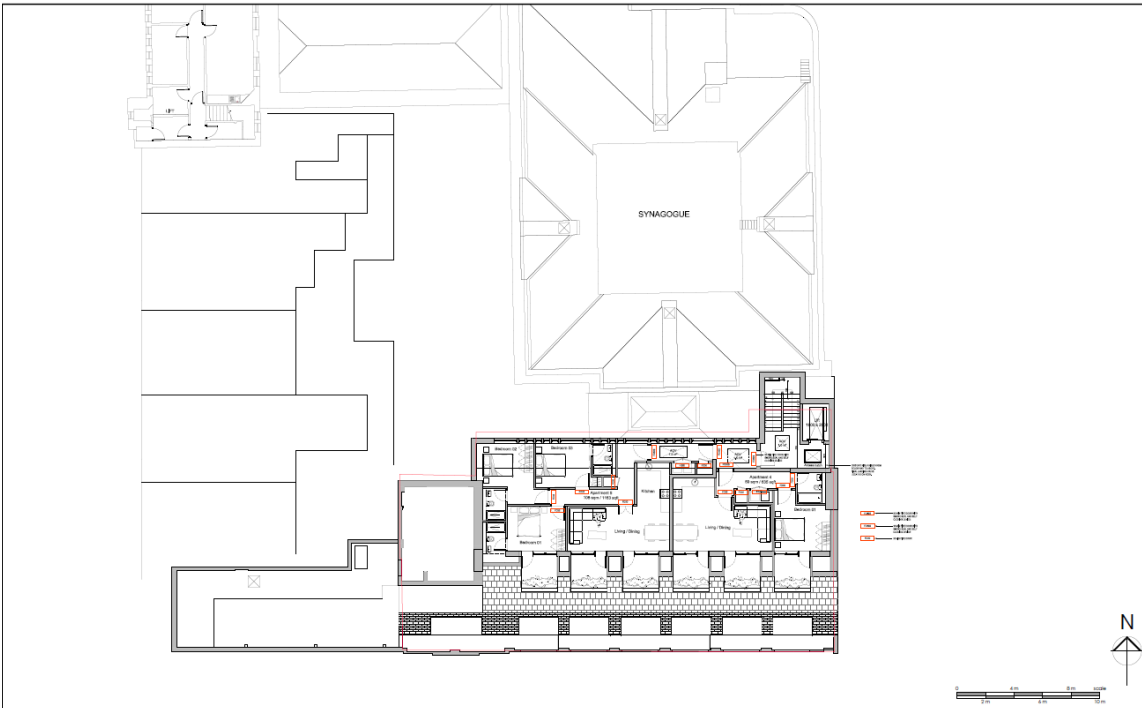
Proposed third and fourth floors



NO.	REVISION	DATE	BY	CHKD.	DESCRIPTION
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SPPARC ARCHITECTS 33 SEYMOUR PLACE W1H 5AU
147-154 HIGH STREET BROMFORD LONDON W12 9AB
T +44 (0) 20 7546 4100 F +44 (0) 20 7546 4101 www.spparc.com

PROPOSED THIRD FLOOR PLAN
WLS Seymour Place Ltd
1210 SP-S-20-03-08-01 P13
PLANNING



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PROPOSED FOURTH FLOOR PLAN
WLS Seymour Place Ltd
1210 SP-S-20-04-08-01 P12
PLANNING

DRAFT DECISION LETTER

Address: 33 Seymour Place, London, W1H 5AP,

Proposal: Erection of a two storey roof extension on the northern building for use as five residential flats, with associated terraces at third and new fourth and on the flat roof of the southern building; erection of extensions at rear first to new fourth floor to accommodate the new residential access and creation of a new ground floor entrance door in Seymour Place; new plant room at rear first floor level.

Reference: 16/12027/FULL

Plan Nos: SP-S-20-01-08-01 P16, SP-S-20-04-08-01 P12, SP-S-20-0G-08-01 P15, SP-S-20-LG-08-01 P12, SP-S-20-M-08-01 P12, SP-S-25-MF-08-02 P13, SP-S-20-0R-08-01 P12, SP-S-20-02-08-01 P16, SP-S-26-MF-08-01 P11, SP-S-26-MF-08-02 P13, SP-S-25-MF-08-01 P10, SP-S-20-03-08-01 P13.

Case Officer: Helen MacKenzie

Direct Tel. No. 020 7641 2921

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 3 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 4 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:

Because these would harm the appearance of the building, and would not meet S25 or S28, or both, of Westminster's City Plan (November 2016) and DES 1 and DES 5 of our Unitary Development Plan that we adopted in January 2007. (R26HC)

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

The roof extension at third floor level - the south end shall be pitched and not vertical.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 6 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum., (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and

shall be representative of the plant operating at its maximum., , (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:; (a) A schedule of all plant and equipment that formed part of this application; (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment; (c) Manufacturer specifications of sound emissions in octave or third octave detail; (d) The location of most affected noise sensitive receptor location and the most affected window of it; (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location; (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures; (g) The lowest existing L A90, 15 mins measurement recorded under (f) above; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition; (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007, so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

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

Reason:

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

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

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

- 9 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:
- between 08.00 and 18.00 Monday to Friday;
 - between 08.00 and 13.00 on Saturday; and
 - not at all on Sundays, bank holidays and public holidays.

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

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

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

Reason:

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

- 10 No residential unit forming part of the development shall be occupied until a car club scheme containing the following provisions has been submitted to and approved in writing by the local planning authority and thereafter the scheme shall be carried out in accordance with those details. Such a scheme shall contain the following : a) Confirmation of approval of the particular car club which is to be a Carplus accredited club; b) Confirmation that on first occupation of each of the residential units forming part of the development and thereafter from first occupation a new resident shall be notified in writing of: 1. the existence of the car club 2. explaining that each residential unit is entitled to join the car club without being liable for payment of the membership fee; 3. details of how to become a member of the car club; and, 4. in the event that a resident indicates that they wish to become a car club member then this shall be arranged on behalf of that resident for a continuous period of 25 years. b) Confirmation that the car club membership shall be fully transferable from outgoing residents to incoming residents. c) Confirmation that the applicant will provide on written request by the Council evidence of the car club membership for each residential unit within the development. d) Confirmation that any advert or marketing in relation to the sale of any of the residential units at the development shall include reference to the provision of the car club membership and details of how to become a member of the car club. e) Confirmation that marketing materials for the development publicise annually will include details of the availability of car club membership and provide details of how to join the car club. f) Confirmation that the applicant will provide on reasonable written request by the City Council evidence of the provision of marketing.

Reason:

To mitigate the demand for on street car parking in accordance with CS41 of our Core Strategy that we adopted in January 2011 and STRA 25, TRANS 20 and TRANS 21 of our Unitary Development Plan that we adopted in January 2007.

- 11 You must apply to us for approval of detailed drawings of the following parts of the development - Typical details of roof extensions - front and rear. 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 detailed drawings. (C26DB)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 12 (1) Where noise emitted from the proposed internal activity in the development will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the internal activity within the residential use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm,, and shall be representative of the activity operating at its noisiest., , (2) Where noise emitted from the proposed internal activity in the development will contain tones or will be intermittent, the 'A' weighted sound pressure level from the internal activity within the residential use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the permitted hours of use. The activity-specific noise level should be expressed as LAeqTm, and shall be representative of the activity operating at its noisiest., , (3) Following completion of the development, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:, (a) The location of most affected noise sensitive receptor location and the most affected window of it;, (b) Distances between the application premises and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;,, (c) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (a) above (or a suitable representative position), at times when background noise is at its lowest during the permitted hours of use. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;,, (d) The lowest existing LA90, 15 mins measurement recorded under (c) above;,, (e) Measurement evidence and any calculations demonstrating that the activity complies with the planning condition;,, (f) The proposed maximum noise level to be emitted by the activity.

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels and as set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(1) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 13 The three bedroom residential units shown on the approved drawings must be provided and thereafter shall be permanently retained as accommodation which (in addition to the living space)

provides three separate rooms capable of being occupied as bedrooms.

Reason:

To make sure that the development is completed and used as agreed, and to make sure that it meets H5 of our Unitary Development Plan that we adopted in January 2007. (R07AB)

- 14 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for recycling according to these details, clearly mark the stores and make them available at all times to everyone using the residential units. (C14EC)

Reason:

To protect the environment and provide suitable storage for waste as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14BD)

Informative(s)

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 In relation to Condition 10, Carplus was established in 2000 to support the development of car clubs and 2+ car sharing schemes in the UK, in response to growing environmental concerns around private car use. Carplus provide technical support, best practice guidance and practical advice to car club operators, community groups, local authorities and transport authorities to assist in setting up and developing car clubs. www.carplus.org.uk
- 3 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , www.westminster.gov.uk/cil, , Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form** **immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**, , CIL forms are available from the planning on the planning portal: ,

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>, , Forms can be submitted to CIL@Westminster.gov.uk, , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**

- 4 Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met:., , 1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety]., 2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises)., , This applies to both new and existing residential accommodation. Please see our website for more information: <https://www.westminster.gov.uk/short-term-letting-0>. , , 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).
- 5 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 6 Conditions 6 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (182AA)

DRAFT DECISION LETTER

Address: 33 Seymour Place, London, W1H 5AP,

Proposal: Erection of a two storey roof extension on the northern building for use as five residential flats, with associated terraces at third and new fourth and on the flat roof of the southern building; erection of extensions at rear first to new fourth floor to accommodate the new residential access and creation of a new ground floor entrance door in Seymour Place; new plant room at rear first floor level and internal alterations.

Reference: 16/12028/LBC

Plan Nos: SP-S-20-01-08-01 P16, SP-S-20-04-08-01 P12, SP-S-20-0G-08-01 P15, SP-S-20-LG-08-01 P12, SP-S-20-M-08-01 P12, SP-S-25-MF-08-02 P13, SP-S-20-0R-08-01 P12, SP-S-20-02-08-01 P16, SP-S-26-MF-08-01 P11, SP-S-26-MF-08-02 P13, SP-S-25-MF-08-01 P10, SP-S-20-03-08-01 P13

Case Officer: Helen MacKenzie

Direct Tel. No. 020 7641 2921

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

Reason:

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

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

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

- 3 You must apply to us for approval of samples of the facing materials you will use, including glazing, and elevations and roof plans annotated to show where the materials are to be located. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work using the approved materials. (C26BC)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)

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

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

The roof extension at third floor level - the south end shall be pitched and not vertical.

You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

- 6 You must apply to us for approval of detailed drawings of the following parts of the development - Typical details of roof extensions - front and rear. 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 detailed drawings. (C26DB)

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R27AC)

Informative(s)

- 1 SUMMARY OF REASONS FOR GRANTING CONDITIONAL LISTED BUILDING CONSENT - In reaching the decision to grant listed building consent with conditions, the City Council has had regard to the relevant policies in the National Planning Policy Framework March 2012, the London Plan March 2016, Westminster's City Plan (November 2016), and the City of Westminster Unitary Development Plan adopted January 2007, as well as relevant supplementary planning guidance, representations received and all other material considerations., , The City Council decided that the proposed works would not harm the special architectural and historic interest of this listed building., , In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 2.3 and 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

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

Agenda Item 3

Item No.

3

CITY OF WESTMINSTER			
PLANNING SUB APPLICATIONS COMMITTEE	Date 6 June 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Hyde Park	
Subject of Report	Sussex Lodge, Sussex Place, London, W2 2SQ,		
Proposal	Demolition of existing boiler room facing Sussex Mews East and erection of two storey building for use as 2 residential houses (Use Class C3).		
Agent	Edward Hunloke		
On behalf of	N/A		
Registered Number	17/00622/FULL	Date amended/ completed	26 January 2017
Date Application Received	26 January 2017		
Historic Building Grade	Unlisted		
Conservation Area	Bayswater		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

Sussex Lodge is a 1930's mansion block of flats, located on Sussex Place, consisting of six floors over a ground floor and basement. The application relates to the existing boiler room situated to the rear of the block facing Sussex Mew East.

Permission is sought for the demolition of this existing boiler room and replacement with 1 x 1 bedroom and 1 x 2-bedroom dwellinghouse, situated over the lower ground and ground floor.

A number of objections have been raised by the occupiers of neighbouring properties on a range of grounds including amenity and parking.

The key issues in this case are:

- The impact of the proposal on the character and appearance of the Bayswater Conservation Area;
- The impact on the proposal on the amenity of neighbouring residents;
- Quality of proposed new residential accommodation;
- Impact on the Highway Network.

The proposed development is considered to comply with the relevant land use, design and amenity

policies in the Unitary Development Plan (UDP) and the City Plan. As such, it is recommended that permission is granted, subject to the conditions as set out in the draft decision letter.

4. PHOTOGRAPHS



Sussex Mews East, view south-east (TOP)

Existing Sussex Lodge boiler room building, Sussex Mews East (Bottom)



North-west elevations of Sussex Lodge boiler room



Existing boiler room building

5. CONSULTATIONS

HYDE PARK ESTATE ASSOCIATION

Any response to be reported verbally.

BUILDING CONTROL

No objections.

EH CONSUTATION

Object to lack of adequate provisions of escape in case of a fire. Concern also raised with regard to the proximity of the proposed bedroom windows to nearby adjacent residential dwellings, resulting in increased risk of noise between dwellings, especially as the windows will need to be openable in order to provide suitable ventilation. The applicant should be advised that the dwellings, if approved, will need to be provided with adequate security measures for the protection of occupiers.

CLEANSING

No objections. The proposed storage arrangements for waste and recyclable materials as shown on the submitted proposed plans are in line with the requirements of the City Council. A relevant condition should be attached requiring them to be made permanently available.

HIGHWAYS PLANNING

No objection raised. Recommend cycle parking be secured by condition.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 51

Total No. of replies: 9

No. of objections: 5

No. in support: 3

Five objections received raising the following issues:

Amenity

- The building will cause loss of light and privacy;
- Increase in height would result in loss of view and light from the ground floor of Sussex Lodge (from a resident of Sussex Mew East).

Highways

- Concern regarding waste and recycling management exacerbating existing issues;
- Additional flow of traffic due to additional houses;
- increased demand on parking.

Construction

- Concern about noise and disturbance due to building works;
- Obstruction and restricted access due to construction vehicles during construction;
- Building works would cause health problems due to their suffering from asthma;

- Blocked drains as a result of building works due to rubble and waste;
- Impact on the cobbled road (Sussex Mews East) due to heavy building work.

Other

- Existing drainage and cleaning issues within the mews would be exacerbated by the new development
- The Mews is already overcrowded, with the rear access from the properties on Sussex Square and access to the parking for the block of flats; concern that children living in the mews as well as dogs and natural wildlife will be in greater danger.
- This would cause problems to the wildlife (birds) which live in this Mews
- Concern that this would lead to further development in the Mews

Three letters of support have been received:

- A resident of Sussex Lodge on behalf of Sussex Lodge Residents' Association states that the residents of Sussex Lodge support the application;
- The conversion makes good sense and the design will enhance the back of the building;
- This is the perfect use of the old boiler room and the upgrading of the area is welcome.

PRESS ADVERTISEMENT / SITE NOTICE:

Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises of a 1930s mansion block of flats known as Sussex Lodge, located on Sussex Place. The application relates particularly to the boiler room situated to the rear of Sussex Lodge which is accessed via Sussex Mews East. The building lies in the Bayswater Conservation Area.

6.2 Recent Relevant History

14/05849/FULL

Excavation beneath existing access ramp at rear of Sussex Lodge to create a new underground boiler plant room with installation of replacement boilers.

Application Permitted 28 October 2014

7. THE PROPOSAL

Permission is sought for the demolition of the existing boiler room to the rear of Sussex Lodge, situated on Sussex Mews East, and the erection of a replacement building to provide two dwelling houses, 1 x 1 bedroom and 1 x 2 bedroom,- each with living accommodation over two floors; lower ground and ground. Lightwells are proposed to

each dwelling adjacent to Sussex Lodge to provide light to bedrooms at lower ground level. The proposed dwelling houses would create a combined gross internal area of 162m².

8. DETAILED CONSIDERATIONS

8.1 Land Use

The existing boiler house has been used to store the boilers associated with Sussex Lodge. This will now be surplus to requirements due to the boiler plant equipment being relocated into the basement of Sussex Lodge, as approved by planning permission referenced 14/05849/FULL.

Policy S14 of the City Plan and Policy H3 of the UDP seek to encourage the provision of more residential floorspace, including the creation of new residential units.

Policy S15 of the City Plan and Policy H5 (a) require a range of housing sizes to be provided. Given the constraints of the site the proposed 2 houses are considered acceptable to optimise the number of units on this site.

In terms of the quality of the internal space for occupants, the houses will meet the internal space standards of the London Plan and the Government's Technical Housing Standards (March 2015). As such the residential accommodation provided would be of an acceptable standard. Accordingly, the proposed additional dwelling houses on this site are supported in land use terms.

8.2 Townscape and Design

This section of Bayswater was transformed in the mid-20th century with the redevelopment of the properties on the west side of this block including those to the west side of Sussex Mews East which face towards the application site, and also the slightly earlier creation of Sussex Lodge to the east. The street environment created to the east side of this part of Sussex Mews East is not of significant quality, with various parking spaces as the main street frontage, although the neat run of mid-20th century houses on the west side of the street are of better quality, and the cobbled street surface adds some interest. Given this context, and that Sussex Mews East was originally conceived as a mews street and as such would be anticipated to have accommodated two storey mews buildings to each side of the street, the creation of a new structure of approximately one storey high in place of the boiler house to the east side of the street is considered acceptable in townscape terms.

The building proposed adopts a distinctive form, with sheer elevation to the street and roof curving down behind, with this curving form readily visible in views from street level. The principal facing materials are brickwork facing to the elevations and with lead to dormers and with a green roof to the main roof, which will help the building integrate well with its surroundings. The front elevation is designed with a series of three ground floor windows which break through the main roofline to form projecting dormer features giving a distinctive rhythm to the front of the building. The two windows below principally lighting the staircase to lower ground are well integrated into this arrangement. The building is

simply detailed which sits comfortably in this mews context, though with some small scale interest from brickwork detailing to window reveals and with the distinctive detailing to the steel windows to the front elevation.

Overall, the proposals are considered in line with policies DES 1, DES 4 and DES 9 in the UDP and policies S25 and S28 in the City Plan and are considered acceptable in design and townscape terms.

8.3 Residential Amenity

Policies S29 within the City Plan and ENV 13 within the UDP seek to protect residential amenity in terms of light, privacy and sense of enclosure and are therefore relevant in considering this application.

The existing building has a flat roof to a height of 2.25m from ground level, when viewed from the rear elevation facing Sussex Mews East. The maximum height of the new building, measured from ground level and as viewed from the rear elevation would be 3.4m to the top of the windows on the rear elevation. This height is reduced where immediately adjacent to rear facing windows to flats within Sussex Lodge due to the curved design of the roof.

8.3.1 Daylight and Sunlight

The applicant has undertaken a Daylight and Sunlight Assessment in support of the current application to assess the daylight, sunlight and overshadowing impacts on properties in the vicinity of the application site. The properties assessed include: windows on Sussex Lodge facing the proposed development; 14 and 15 Stanhope Terrace; and 1, 2, 3 and 4 Sussex Mews East.

The report is based on the BRE Guidance: Site Layout Planning for daylight and sunlight (2011) and concludes that overall, the proposed development is not expected to cause any significant negative impact to daylight and sunlight access for surrounding properties and amenity spaces.

8.3.2 Sense of Enclosure

The new building will be sited over 8.0m from the frontage of dwellings which would face it on Sussex Mews East. The boiler house is to be increased in height from 2.25m to 3.4m (maximum). The additional height is not considered to result in any significant harm to the properties on the other side of the mews, given the moderate increase in height and their separation. The closest windows of the flats within Sussex Lodge, immediately adjacent to the roof of the new building will experience a greater impact. This is mitigated by the curved design of the roof, which means the height of the roof is reduced where immediately adjacent to these windows. The height of the roof is in fact lower than the existing height where immediately adjacent to the closest windows to Sussex Lodge facing the roof, with the existing height being 2.2m measured from ground level and the proposed height starting at 1.3m and rising (due to the curved design) to 2.8m before the further increased height of 3.4m due to the proposed rear facing windows on the new building and the sedum roof.

It is considered that the proposed new building would not result in a significant harmful impact on these windows in terms of sense of enclosure. It should also be noted that no objections have been received from the residents within Sussex Lodge.

8.3.3 Overlooking/Privacy

The residential windows to Sussex Lodge which are directly adjacent to the roof of the existing building would directly overlook the new building. The proposed windows which face Sussex Lodge are at lower ground level and serve bedrooms, in the case of both new dwellings. These windows have an outlook onto new lightwells to each respective dwelling and given their set down location are more overlooked than resulting in overlooking upwards towards the windows to Sussex Lodge and are therefore considered acceptable. There are no ground floor windows on the elevation (North-East) facing Sussex Lodge.

The large windows on the new front elevation (South-West) facing the dwellings at 1-4 Sussex Mews East at ground floor level are adjacent to internal staircases to the new dwellings. The new dwellings are sited over 8m from the frontage of the dwellings at 1-4 Sussex Mews East and therefore, on balance, the windows to the new dwelling are not considered to result in undue harm in terms of overlooking or privacy, particularly given the large number of existing windows in the rear of Sussex Lodge, which already overlook this areas.

8.3.4 Noise disturbance

A condition requiring the submission of details of sound insulation to prevent noise nuisance to existing and future occupiers is recommended. A condition is also recommended preventing the use of the lightwells and the main roof for sitting out, to protect neighbouring amenity.

8.3.4 Conclusion

The proposed scheme is not considered to have a significant impact on the amenities of neighbouring properties, subject to the inclusion of appropriate conditions. It is considered that the development would comply with policies ENV6 and ENV13 of Westminster's Unitary Development Plan and S29 and S32 of Westminster's City Plan.

8.4 Transportation/Parking

No off-street parking is provided for the proposed new dwellings.

On the basis of the Council's data on on-street car parking and car ownership levels in the area, any additional on-street parking generated by the proposal can be absorbed into the surrounding street network. Therefore the development is consistent with TRANS23.

The London Plan requires 1 cycle parking space per 1 bed residential dwelling and 2 for all others. The applicants have stated in their Design and Access Statement that cycle parking for the proposed new dwellings will be provided within the basement of Sussex Lodge. A condition requiring a basement plans showing where this is to be provided will be attached.

8.5 Economic Considerations

Any economic benefits resulting from the development proposals are welcomed.

8.6 Access

Access to the site will be via Sussex Mews East to the rear of Sussex Place. Access into each dwelling will be level access via main entrance doors, located on either side of the proposed building; north-west and south-east elevations. These access arrangements are considered to be acceptable.

The Environmental Health Officer objects to the proposal, due to the lack of adequate provisions of escape in case of a fire for the proposed bedrooms, due to their proximity to the kitchen. However, this may be addressed by devising an escape strategy with Building Control to overcome this, and will be subject to separate building regulations; and is therefore not a reason for refusal.

8.7 Other UDP/Westminster Policy Considerations

Waste storage is indicated which should minimise the chance of waste being left on the public highway. The proposed waste and recycling storage as shown on the submitted proposed plan will be required to be provided and secured by condition.

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

Planning obligations are not relevant in the determination of this application. However, the application is CIL liable, based on 162sqm of additional residential GIA in Westminster's Residential Core area.

It should be highlighted that although there is an existing boiler building which is to be demolished, it is classed as a building in which people do not usually go into, or only go into intermittently for the purposes of inspecting or maintaining plant or machinery. It is therefore not CIL liable. Consequently, the existing floor space of this building, whilst it is to be lost, cannot be deducted from the proposed floor space when assessing how much floor space is CIL liable.

The estimated CIL payment is: £72,900.00; comprising of £8,100.00 Mayoral CIL and £64,800.00 WCC CIL (Residential Core)

8.11 Environmental Impact Assessment

The development is of insufficient scale to require the submission of an Environmental Impact Assessment.

8.12 Other Issues

The concern raised by a neighbour with regard to this proposal leading to other development in this area is not something that can be considered when assessing this application. Each application submitted is assessed on its merit and within its context. It is therefore not appropriate to consider what may or may not happen in the future when assessing the current proposal.

The proposal if implemented is likely to result in noise and other associated disturbance due to construction works. This is part of any such development and permission cannot be withheld on this basis. A relevant condition reminding the restricted times for construction work will be attached as standard if the application is supported. An informative advising the applicants that they may join the Considerate Contractor's Scheme will also be attached, as well as details of the Council's 24 Hour Noise Team to ensure they are aware of their regulations.

The extent of the excavation works proposed are not significant and therefore it is not considered to that the works trigger the requirement for a condition in relation to construction works (Code of Construction Practice). Structural information was however submitted with the application, and the Building Control Officer has raised no objection in relation to the proposals.

The Environmental Health Officer raised concerns regarding noise between dwellings due to openable windows in the new dwellings. This is likely to be an existing issue between the existing dwellings and flats which are already in proximity to each other. It is therefore not considered that this proposal for two additional dwellings in this location would result in unduly harming the residential amenities of existing residents and future occupants of the new dwellings. As previously mentioned a condition is recommended to ensure that the new rear lightwells are not used for sitting out.

The issues raised by an objector with regard to damage to the road, in terms of impact on the cobbled road (Sussex Mews East) due to heavy building work, is a Highways matter. Any works that affect the highway would require a Highway Licence. An appropriate informative will be attached to the decision advising the applicant of this.

Issues relating to health concerns due to dust arising from building works, such as asthma is not a planning matter. Nor is the impact of the development on dogs and wildlife in this location a planning matter.

9. BACKGROUND PAPERS

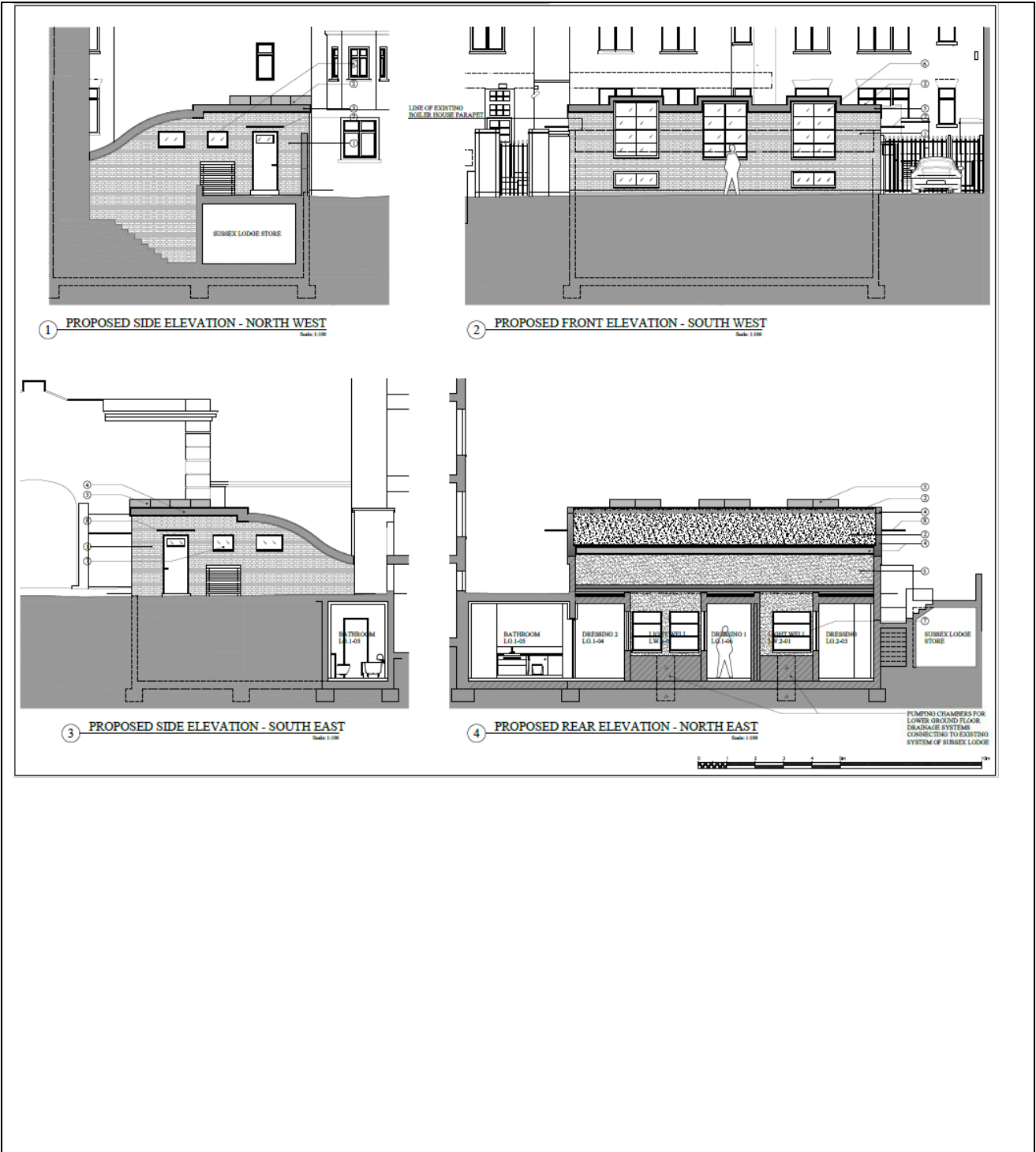
1. Application form
2. Response from EH Consultation, dated 13 February 2017
3. Response from Highways Planning - Development Planning, dated 28 March 2017

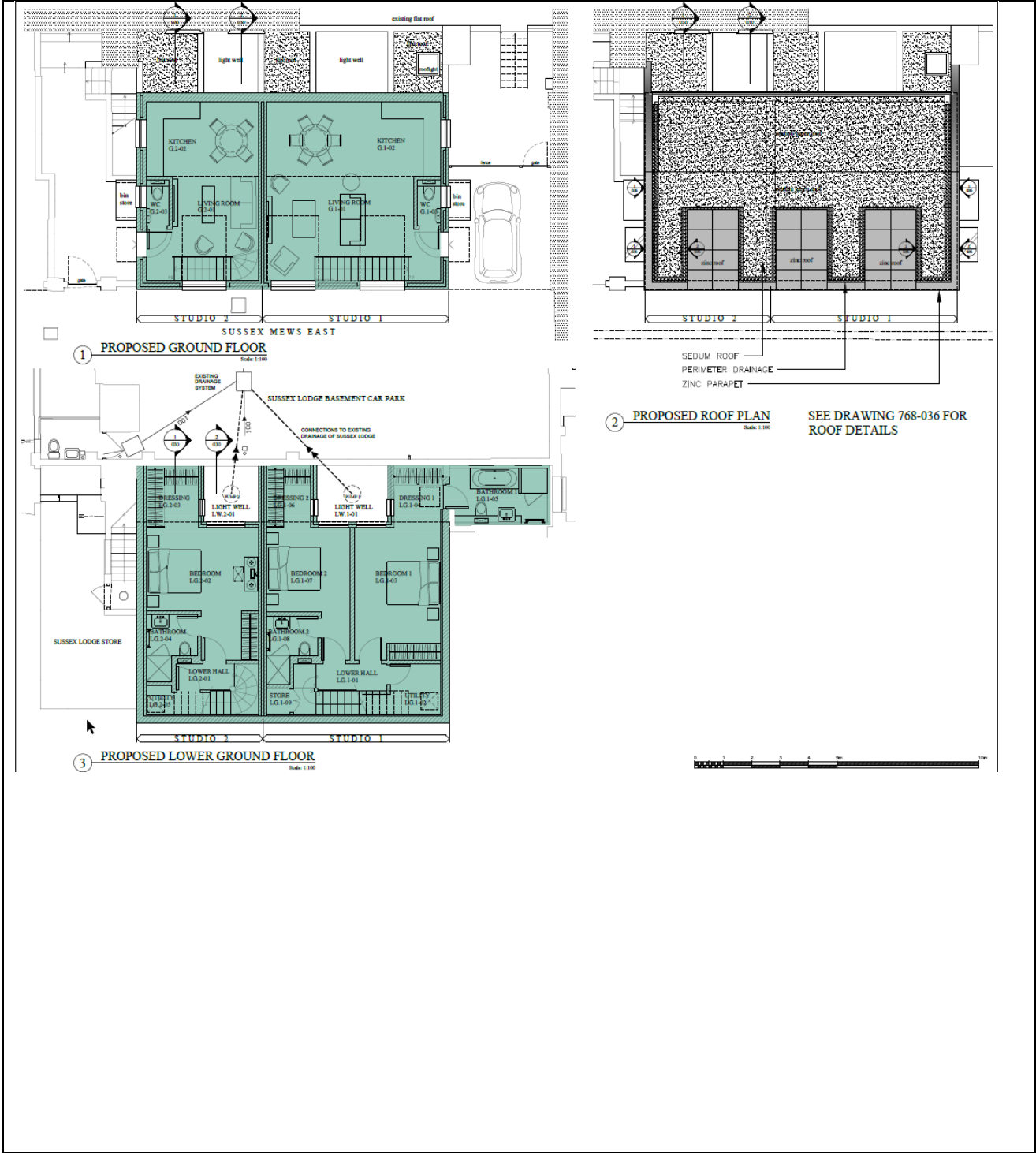
4. Response from Cleansing - Development Planning, dated 14 February 2017
5. Response from BC Consultation, dated 16 May 2017
6. Letter from occupier of 4 Sussex Mews EAST, London, dated 7 March 2017
7. Letter from occupier of 4 Sussex Mews EAST, London, dated 7 March 2017
8. Letter from occupier of 7, Sussex Mews East, dated 20 March 2017
9. Letter from occupier of 3 Sussex Mews East, London, dated 20 March 2017
10. Letter from occupier of 1 Sussex Mews East, London, dated 21 March 2017
11. Letter from occupier of 2 Sussex Mews East, London, dated 22 March 2017
12. Letter from occupier of 9, Sussex Mews East, dated 22 March 2017
13. Letter from occupier of Flat 2, Stanhope Terrace, dated 28 March 2017
14. Letter from occupier of 16 Stanhope Terrace, Flat 8, dated 29 March 2017
15. Letter from occupier of 11 Sussex Lodge, Sussex Place, dated 7 April 2017

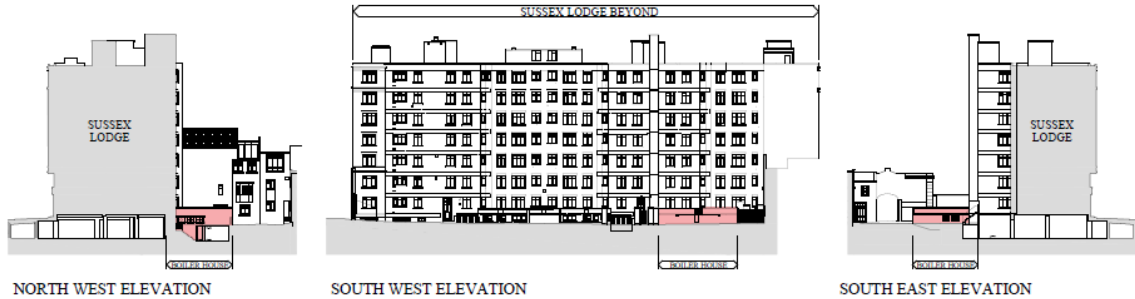
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: RUPERT HANDLEY BY EMAIL AT rhandley@westminster.gov.uk

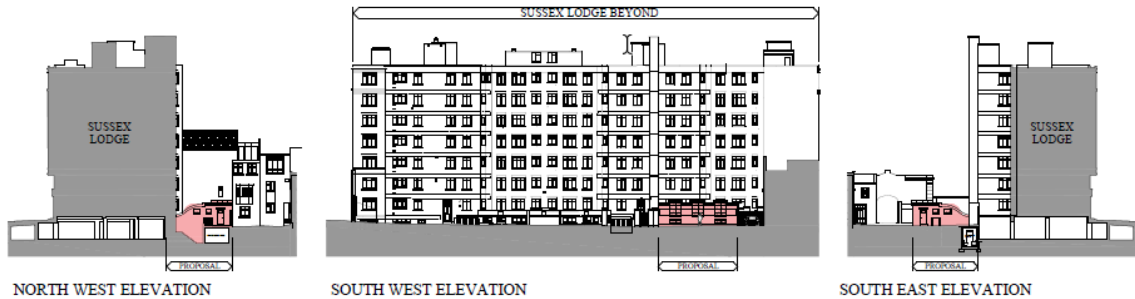
10. KEY DRAWINGS





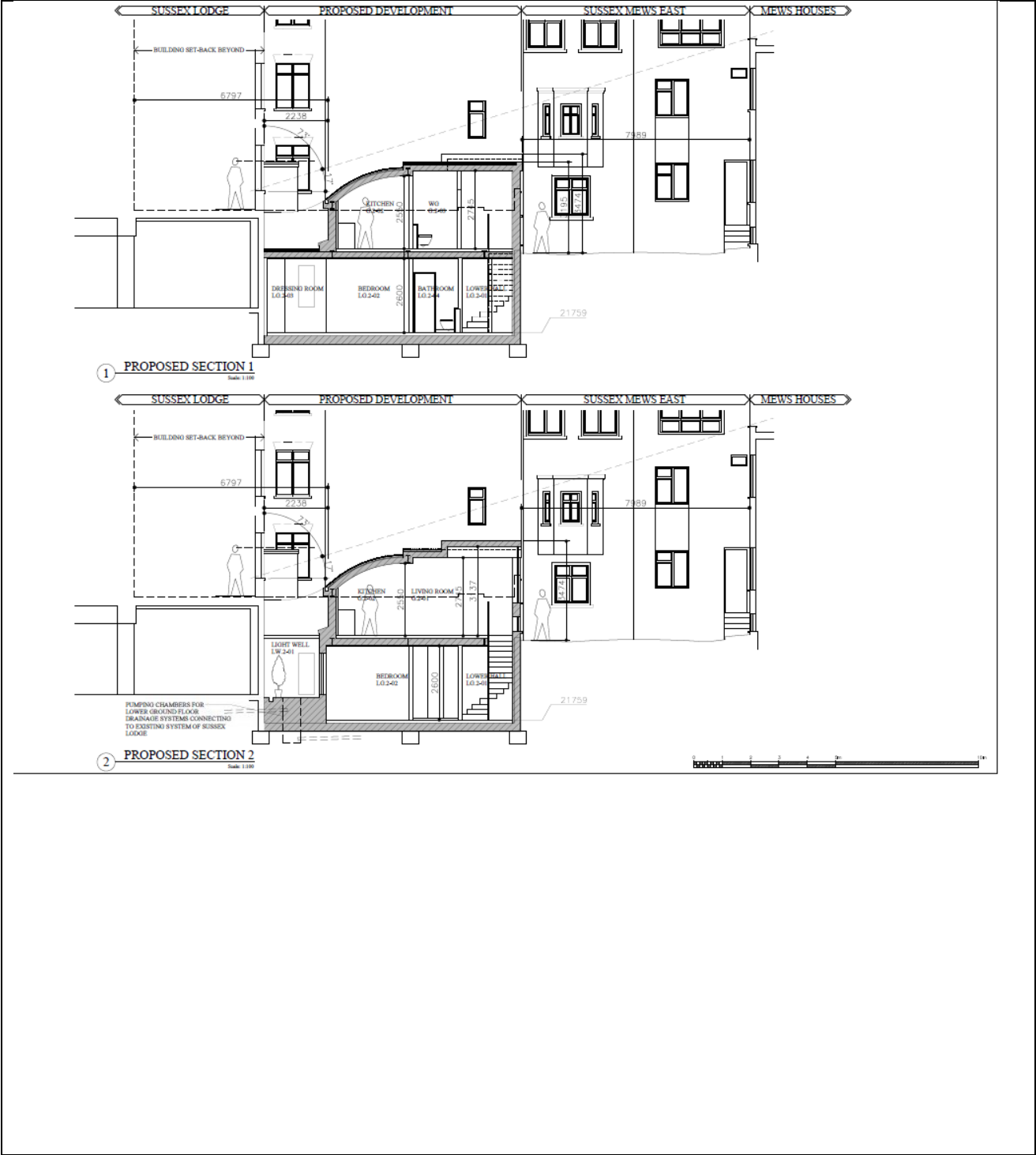


① EXISTING ELEVATIONS IN CONTEXT
Scale: 1:500



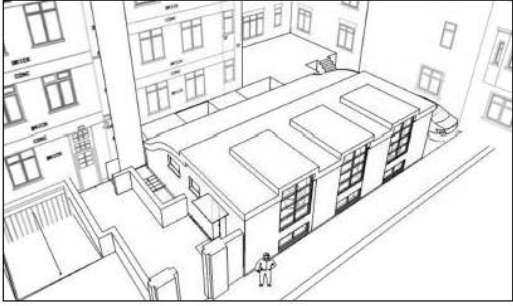
② PROPOSED ELEVATIONS IN CONTEXT
Scale: 1:500







13 MODEL VIEW



14 MODEL VIEW



15 VIEW OF BOILER HOUSE



16 PHOTOMONTAGE OF PROPOSAL

DRAFT DECISION LETTER

Address: Sussex Lodge, Sussex Place, London, W2 2SQ

Proposal: Demolition of existing boiler room facing Sussex Mews East and erection of two storey building for use as 2 residential houses (Use Class C3).

Plan Nos: 768-005; 768-006; 768-015 Rev A; 768-020; 768-023; 768-024; 768-026 Rev A; 768-028; 768-029; 768-030; 768_035; 768_036; 768-100 Rev A; Langley Green Roof Systems Specifications Guide; 1663-SK01 Rev B; 1663-SK200; Daylight and Sunlight Report by Malcolm Hollis dated 15 August 2016; Planning Report dated November 2016; Design and Access Statement Revision A;

Case Officer: Avani Raven

Direct Tel. No. 020 7641 2857

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

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

Reason:

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

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

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

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

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

Reason:

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 4 You must apply to us for approval of samples of the facing materials you will use, including glazing and including brickwork, and elevations and roof plans annotated to show where the materials are to be located. 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 using the approved materials. The brickwork facing shall be formed of complete bricks and not brick slips or other panelised brick faced systems and it shall not be painted, rendered or otherwise overclad. (C26BC)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

Green roof

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

Reason:

To increase the biodiversity of the environment, as set out in S38 of Westminster's City Plan (November 2016) and ENV 17 of our Unitary Development Plan that we adopted in January 2007. (R43FB)

- 6 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building facing the street unless they are shown on drawings we have approved. (C26MA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 7 You must not put any machinery or associated equipment, ducts, tanks, satellite or radio aerials

on the roof, except those shown on the approved drawings. (C26PA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Bayswater Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

- 8 You must not form any windows or other openings (other than those shown on the plans) in the outside walls of the building or carry out any other alterations without our permission. This is despite the provisions of Classes A, B, and C of Part 1 of Schedule 2 to the Town and Country Planning General Permitted Development Order (England) 2015 (or any order that may replace it). (C21EB)

Reason:

To protect the appearance of the property and the character of the area and protect the environment of people in neighbouring properties. This is as set out in S25, S28 and S32 of Westminster's City Plan (November 2016), paras 10.108 to 10.128 and policies ENV6 and ENV13 of our Unitary Development Plan that we adopted in January 2007. (R21DC)

- 9 You must provide the waste store shown on drawing 768-026 Rev A before anyone moves into the property. You must clearly mark it and make it available at all times to everyone using the dwellings hereby approved. You must store waste inside the property and only put it outside just before it is going to be collected. You must not use the waste store for any other purpose. (C14DC)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in S44 of Westminster's City Plan (November 2016) and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

- 10 You must apply to us for approval of details of secure cycle storage for the residential use. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

Reason:

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

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

Reason:

As set out in ENV6 (4) of our Unitary Development Plan that we adopted in January 2007, and the

related Policy Application at sections 9.84 to 9.87, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the development from the intrusion of external noise.

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

Reason:

As set out in ENV6 of our Unitary Development Plan that we adopted in January 2007, and the related Policy Application at section 9.76, in order to ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development.

- 13 You must not use the lightwell areas to the new dwelling houses as outside amenity space, or for any other purpose. You can however use them to escape in an emergency.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan (November 2016) and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

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

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well

as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

- 3 When carrying out building work you must do all you can to reduce noise emission and take suitable steps to prevent nuisance from dust and smoke. Please speak to our Environmental Health Service to make sure that you meet all requirements before you draw up the contracts for demolition and building work.

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

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

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (150AA)

- 4 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: www.westminster.gov.uk/cil

Responsibility to pay the levy runs with the ownership of the land, unless another party has assumed liability. If you have not already you must submit an **Assumption of Liability Form** **immediately**. On receipt of this notice a CIL Liability Notice setting out the estimated CIL charges will be issued by the council as soon as practicable, to the landowner or the party that has assumed liability, with a copy to the planning applicant. You must also notify the Council before commencing development using a **Commencement Form**

CIL forms are available from the planning on the planning portal:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

Forms can be submitted to CIL@Westminster.gov.uk

Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.

- 5 You need to speak to our Highways section about any work which will affect public roads. This includes any impact/damage to cobbles or setts, 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 phone 020 7641 2642. However, please note that if any part of your proposals would require the removal or relocation of an on-street parking bay, this is unlikely to be approved by the City Council (as highway authority). (I09AC)

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

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Agenda Item 4

Item No.

4

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 6 June 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Knightsbridge And Belgravia	
Subject of Report	17 Lowndes Close, London, SW1X 8BZ		
Proposal	Excavation of a basement incorporating a light-well to rear.		
Agent	Mr Andy Murphie		
On behalf of	Mr Gerry Jackson		
Registered Number	16/11344/FULL	Date amended/ completed	8 December 2016
Date Application Received	30 November 2016		
Historic Building Grade	Unlisted		
Conservation Area	Belgravia		

1. RECOMMENDATION

Grant conditional permission

2. SUMMARY

17 Lowndes Close is an unlisted dwelling located within the Belgravia Conservation Area. This application seeks to excavate a basement incorporating a light-well to the rear.

The main issues for consideration are:

- The impact on the character and appearance of the Conservation Area and;
- The impact on the amenities of adjoining residential properties.

5 objections have been received primarily on the grounds of amenity, highways and construction management and these issues are addressed in the main part of this report.

The proposal is considered to comply with the Council's policies in relation to design, conservation and amenity as set out in Westminster's City Plan (City Plan) and the Unitary Development Plan (UDP) and the NPPF and, consequently the application is recommended for approval subject to the conditions set out in the draft decision letter.

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

BELGRAVIA RESIDENTS ASSOCIATION:

Any response received to be reported verbally.

BELGRAVIA NEIGHBOURHOOD FORUM:

Any response received to be reported verbally.

THE BELGRAVIA SOCIETY:

Any response received to be reported verbally.

BUILDING CONTROL:

The structural method statement is considered to be acceptable. An investigation of existing structures and geology has been undertaken and found to be of sufficient detail. The existence of groundwater has been researched and the likelihood of local flooding or adverse effects on the water table has been found to be negligible. The basement is to be constructed using reinforced concrete underpinning which is considered to be appropriate for this site. The proposals to safeguard adjacent properties during construction are considered to be acceptable.

ENVIRONMENTAL HEALTH:

No objection on environmental noise or nuisance grounds subject to informatives.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 14

Total No. of replies: 5

5 letters of objection have been received raising the following:

Amenity

- Noise emitted from the proposed works;
- Dirt, dust and smell during construction;
- Quality of air damaging health;

Basement works

- Structural damage to the foundations of the neighbouring property;
- Scaffolding to protect the privacy of 3 Belgrave Place and be properly installed;
- Permitted hours of work to be carefully considered;
- Heavy lorries are not allowed access into the mews in accordance with the Grosvenor Management Scheme;
- No mention of registration with the Considerate Constructor Scheme;
- The roads would be blocked for a long time and;
- The Embassy of Hungary has garages in the Mews and the construction of the basement would obstruct the free movement of traffic;

Other

- Proposed basement plan is missing and not available online;

- Separate ground movement plan is required prepared by a specialist;
- No detail of ventilation equipment (required for the basement) and;
- No noise assessment report has been submitted to identify current background noise levels

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

17 Lowndes Close is an unlisted three storey dwellinghouse located in the Belgravia Conservation Area part of the Grosvenor Estate. It is accessed off Lowndes Place. The building is a single family dwelling house and has been altered in the past. The site lies within a predominately residential area. The rear of the site bounds properties in Belgrave Place and to the north east is the Hungarian Embassy at 35 Eaton Place.

6.2 Recent Relevant History

None relevant

7. THE PROPOSAL

Planning permission is sought for the excavation of a basement incorporating a lightwell to the rear. The proposed basement including the lightwell would be located entirely within the footprint of the site. The proposal would also involve minor external changes to the rear elevation including the enlargement of the existing angled bay window which would accommodate a small courtyard to provide natural light and ventilation to the proposed basement living space.

8. DETAILED CONSIDERATIONS

8.1 Land Use

The application property is a single family dwellinghouse and the additional residential floorspace that would be provided would enlarge the existing home. In these circumstances the application does not raise any land use issues.

8.2 Townscape and Design

The principle of a basement under the footprint of the building would be considered acceptable and would be in compliance with policies DES1 and DES9 of the UDP. The lower ground floor extension would have no external manifestations and would be retained wholly underneath the existing building. Indeed, the alterations involved are relatively minor and would not dilute further the altered plan form of the building. The proposed basement would have limited impact on the character of the lower ground floor level as the area is enclosed and particularly small, with no real overriding character to the rear and, as such, the works would not harm the character and appearance of the Conservation Area and are unlikely to harm the overall character of the building.

Other alterations include the rebuilding of the existing rear bay window, which is considered acceptable as are the replacement windows and doors, subject to the recommended conditions.

8.3 Residential Amenity

The proposed basement is to be served with natural light and ventilation through the proposed lightwell. It is not considered that the excavation of the basement would result in any significant impacts on the amenity of adjoining residential dwellings, provided that the hours of excavation and building works are complied with, these can be imposed as conditions. The neighbouring properties would be able to see into the lightwell however these views are limited and are not deemed harmful.

Some letters of objection query how the basement will be ventilated. Ventilation is provided via the proposed lightwell and no additional mechanical plant is proposed. It is considered that the proposal would not result in any significant impact on the amenity of the neighbouring properties by reason of loss of sunlight, daylight, privacy and outlook and as such the proposal would be in line with the aims of policy ENV13 of the UDP and policies S29 and S32 of the City Plan.

8.4 Transportation/Parking

The proposed basement would provide additional floorspace to an existing residential unit and therefore there would be no increase in the number of households. As such it is not considered that the proposals would have a detrimental impact on the local highway network or availability of on-street parking.

8.5 Economic Considerations

There are no economic considerations applicable for a development of this size.

8.6 Access

The proposal does not alter access arrangements.

8.7 London Plan

This application raises no strategic issues.

8.8 National Policy/Guidance Considerations

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

8.9 Planning Obligations

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

The floor space of the basement would be about 53sqm which would be less than 100sqm gross internal area. Therefore, it would be exempt from paying the Mayoral and Council CIL charges.

8.10 Environmental Impact Assessment

The application is of insufficient scale to trigger the requirement of an EIA.

8.11 Other Issues

Basement

Many of the objectors have expressed strong concerns to the excavation of the new basement as it is a risky construction process with potential harm to adjoining buildings. Many also cite that there would be potential damage to air quality from dirt, dust and smell to health of the adjoining residents.

Studies have been undertaken which advise that subterranean development in a dense urban environment, especially basements built under existing vulnerable structures is a challenging engineering endeavour and that in particular it carries a potential risk of damage to both the existing and neighbouring structures and infrastructure if the subterranean development is ill-planned, poorly constructed and does not properly consider geology and hydrology.

While the Building Regulations determine whether the detailed design of buildings and their foundations will allow the buildings to be constructed and used safely, the National Planning Policy Framework March 2012 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by land instability.

The NPPF goes on to state that in order to prevent unacceptable risks from land instability, planning decisions should ensure that new development is appropriate for its location. It advises that where a site is affected by land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

The NPPF advises that planning decisions should ensure that a site is suitable for its new use taking account of ground conditions and land instability and any proposals for mitigation, and that adequate site investigation information, prepared by a competent person, is presented.

The applicant has provided a structural engineer's report explaining the likely methodology of excavation. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage. The purpose of such a report at the planning application stage is to demonstrate that a subterranean development can be

constructed on the particular site having regard to the site, existing structural conditions and geology. It does not prescribe the engineering techniques that must be used during construction which may need to be altered once the excavation has occurred.

The structural integrity of the development during the construction is not controlled through the planning system but through Building Regulations and the Party Wall Act. We are not approving this report or conditioning that the works shall necessarily be carried out in accordance with the report. Its purpose is to show, with the integral professional duty of care, that there is no reasonable impediment foreseeable at this stage to the scheme satisfying the Building Regulations in due course. This report will be attached for information purposes to the decision letter. It is considered that this is as far as we can reasonably take this matter under the planning considerations of the proposal as matters of detailed engineering techniques and whether they secure the structural integrity of the development and neighbouring buildings during construction is not controlled through the planning regime but other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control.

The Building Control Officer has assessed the report and advised that the proposal would not exacerbate flooding, it would be constructed using traditional underpinning with internal retaining walls and therefore would safeguard the structural stability of the existing building and neighbouring properties. No archaeological deposits were found that would be disturbed by the construction of the basement and it is unlikely that the excavation would impact on drainage.

The Westminster City Plan basement policy CM28.1 sets limits on the depth and extent of basement development where there is potential for impact on neighbouring residential properties. The application site is bounded by residential buildings on all sides. The policy states basement development to existing residential buildings should not extend beneath more than 50% of the garden land. The garden land is defined as the site area excluding the footprint of the original building. As the garden has already been built upon at ground floor level it would not be classified as a conventional garden and therefore the whole of the available curtilage can be developed under part 1.a of the policy. The supporting text to the policy states that the undeveloped strip is expected to be '*a minimum of 0.5 – 2 metres depending on the site. This may be reduced on smaller sites*'. The policy also requires the provision of a minimum of 1m soil depth (plus 200mm drainage layer) and adequate overall soil volume above the top cover of the basement. It further outlines a number of other requirements.

Whilst the proposal would not strictly comply in terms of achieving a 1.2m layer of topsoil between the basement ceiling and the rear garden, given this courtyard is already paved over and (it does not appear as a garden) could only provide limited green landscaping, it would be unreasonable to insist on this depth of soil above. If the applicant were to provide this layer, it would mean greater excavation would be required to achieve the floor to ceiling height for the basement beneath the courtyard. Furthermore, with the exception of this, the excavation would only be for one storey below the original floor level. It should also be noted that planning permission for a comparable size basement has been implemented at the adjoining property No. 19 Lowndes Close under RN 13/11106/FULL, which had similar constraints. Therefore, overall on balance, based on the circumstances of the site, the proposed basement would comply with the objectives of Policy CM28.1.

Construction impact

In terms of the impact of construction on the amenity of neighbours and the operation of the local highway network, whilst it is recognised that there would inevitably be an element of disturbance to residents particularly during construction of the new basement, the applicant would be required to adhere to the Council's Code of Construction Practice (CoCP). The City Council's CoCP and associated Environmental Inspectorate have been developed to mitigate against construction and development impacts on large and complex development sites. The new CoCP was adopted in July 2016 and the applicant is required to sign up to it. Compliance is monitored by the Environmental Inspectorate. A condition is recommended requiring the applicant to provide evidence of compliance with the CoCP before starting work.

In addition, the applicant has advised that the works would be subject to stringent controls by Grosvenor Estates in order to safeguard the adjoining properties and a separate licence from Grosvenor Estates would be required to ensure that the works are completed within the agreement of the licence. This would further ensure that the traffic from the construction of the proposed basement is well managed to mitigate inconvenience to neighbouring residents.

Conclusion

It is considered that the objections raised cannot be sustained in this case and warrant refusing the application. The proposal is considered acceptable in terms of its method of construction, design and impact on amenity and as such conditional permission is recommended as set out in the draft decision letter.

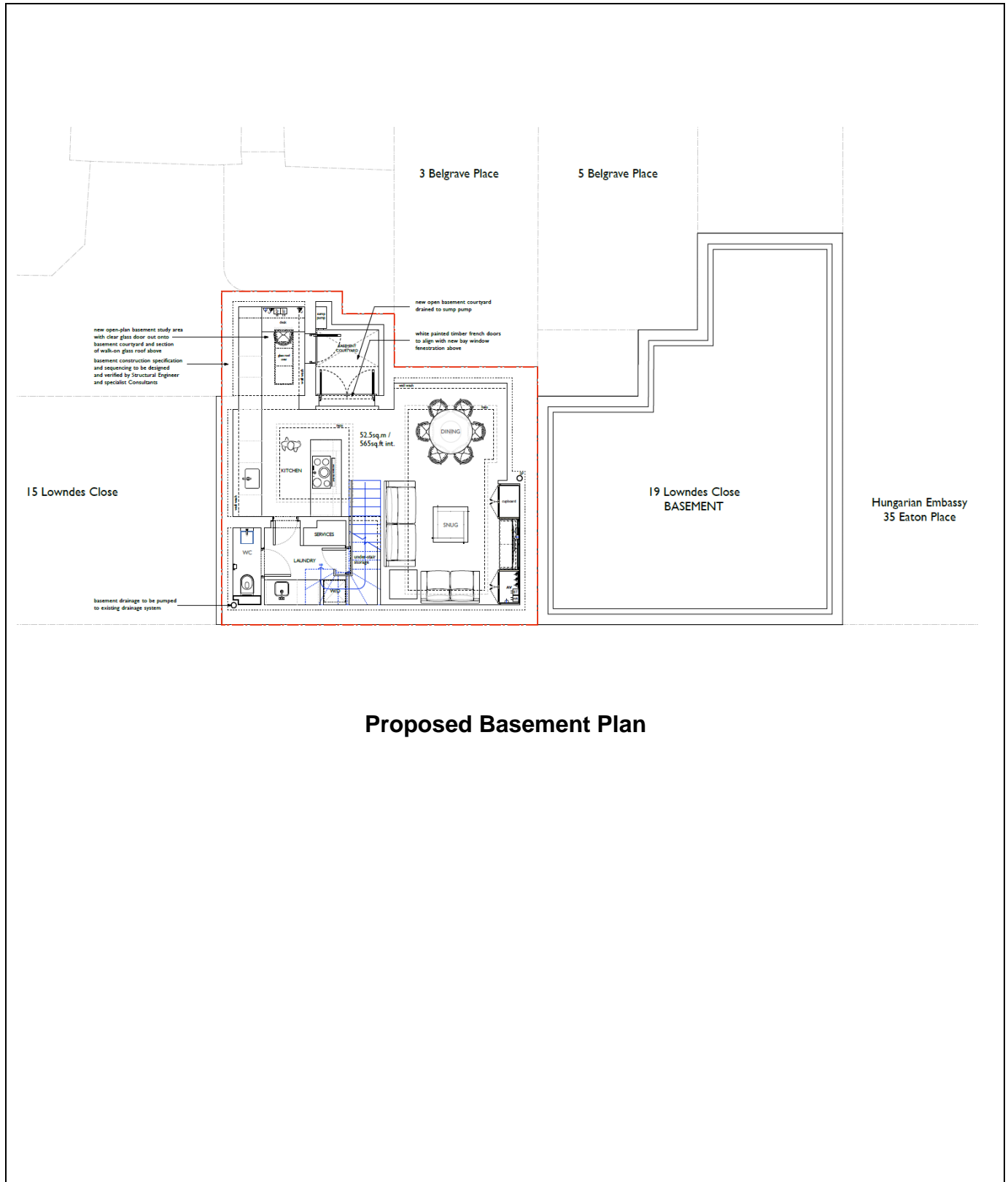
9. BACKGROUND PAPERS

1. Application form.
2. Response from Environmental Health, dated 15 December 2016.
3. E-mail from Building Control dated 26 April 2017.
4. Letter from occupier of 15 Lowndes Close dated 4 January 2017.
5. Letter from Embassy of Hungary to UK, 35 Eaton Place dated 17 January 2017.
6. Letter from occupier of 19 Lowndes Close dated 16 January 2017.
7. Letter from occupier of Flat 4, 3 Belgrave Place dated 21 December 2016.
8. Letter from occupier of Venture House, 27-29 Glasshouse Street dated 4 January 2017.

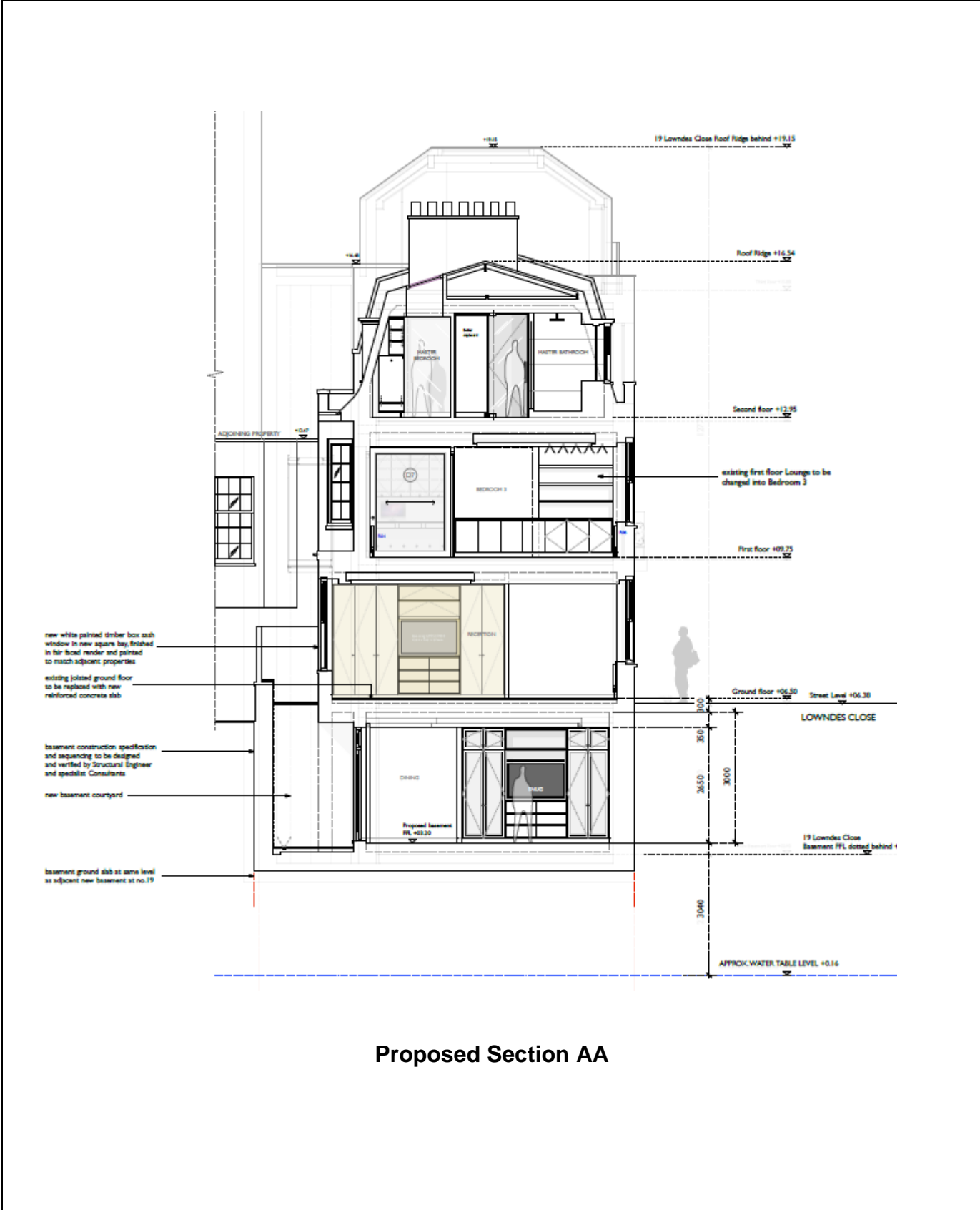
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

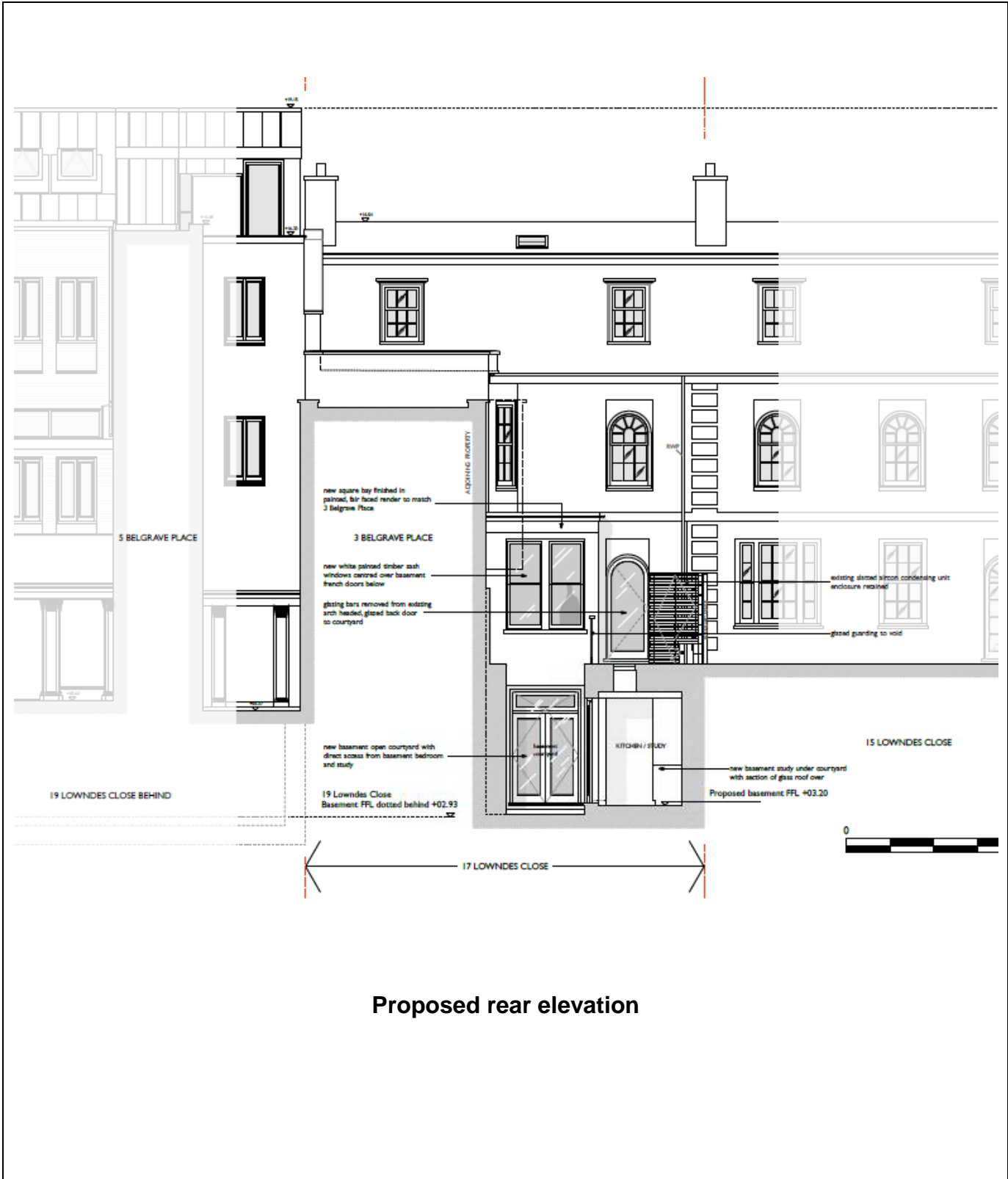
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: VINCENT NALLY BY EMAIL AT vnally@westminster.gov.uk

10. KEY DRAWINGS



Proposed Basement Plan





DRAFT DECISION LETTER

Address: 17 Lowndes Close, London, SW1X 8BZ

Proposal: Excavation of a basement incorporating a lightwell to rear and minor alterations to rear elevation.

Reference: 16/11344/FULL

Plan Nos: D204, rev: B, D101, D102, D103, D104, D108, D109, D110, D111, D112, D113, D114, D202B, D203A, D204B, D205B, D201 rev: A, Design and Access Statement, Flood risk assessment, heritage statement, construction management plan, archaeological statement and structural methodology.

Case Officer: Nosheen Javed

Direct Tel. No. 020 76412858

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Reason:

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

- 3 Prior to the commencement of any demolition or construction on site the applicant shall submit an approval of details application to the City Council as local planning authority comprising

evidence that any implementation of the scheme hereby approved, by the applicant or any other party, will be bound by the council's Code of Construction Practice. Such evidence must take the form of a completed Appendix A of the Code of Construction Practice, signed by the applicant and approved by the Council's Environmental Inspectorate, which constitutes an agreement to comply with the code and requirements contained therein. Commencement of any demolition or construction cannot take place until the City Council as local planning authority has issued its approval of such an application (C11CB)

Reason:

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 This permission is based on the drawings and reports submitted by you including the structural methodology report. For the avoidance of doubt this report has not been assessed by the City Council and as a consequence we do not endorse or approve it in anyway and have included it for information purposes only. Its effect is to demonstrate that a member of the appropriate institution applying due diligence has confirmed that the works proposed are feasible without risk to neighbouring properties or the building itself. The construction itself will be subject to the building regulations and the construction methodology chosen will need to satisfy these regulations in all respects.
- 3 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more

information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

- 4 With reference to condition please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). You are urged therefore to give this your early attention.
- 5 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following: Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible. This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant. Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm. It is now possible for local authorities to prosecute any of the relevant parties with respect to non-compliance with the CDM Regulations after the completion of a building project, particularly if such non-compliance has resulted in a death or major injury.
- 6 The applicant is advised that technical approval is required before excavation is undertaken.

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

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Agenda Item 5

Item No.

5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 6 June 2017	Classification For General Release	
Report of Director of Planning		Ward involved St James's	
Subject of Report	Carriage Hall, 28 to 30 Floral Street and 19-25 Long Acre, WC2E 9DP.		
Proposal	Installation of gates to Banbury Court and associated works.		
Agent	Ms Charlotte McManus		
On behalf of	Capital & Counties CG Limited		
Registered Number	17/01008/FULL	Date amended/ completed	15 February 2017
Date Application Received	8 February 2017		
Historic Building Grade	Unlisted		
Conservation Area	Covent Garden		

1. RECOMMENDATION

Grant conditional permission.

2. SUMMARY

Banbury Court is a pedestrian passage running between Floral Street and Long Acre. Permission is sought to install gates to a side passage off Banbury Court which provides access to the rear of the buildings fronting Long Acre and Floral Street. The proposed gates are not located on the public highway and pedestrian access along Banbury Court will not be affected.

As a result of the wider development works currently underway at Carriage Hall and surrounding buildings a modern metal gate from the 1980s, which was located in a similar location as that proposed, has been removed. The purpose of the replacement gate is to improve security and deter anti-social behaviour. The gates would generally be left open during the day.

The Covent Garden Community Association and Covent Garden Area Trust both object on the grounds that the solid, plain design of the proposed gates fail to maintain or improve (preserve or enhance) the character and appearance of the Covent Garden Conservation Area.

The proposed gates will be simple black metal in a utilitarian style similar to the original gates. The solidity of the gates decreases from bottom to top and they mimic the footprint of the building footprint immediately to the south. From a design perspective both the principle and the detailed design of the gates are acceptable given their location which is a service route off a pedestrian alley. Permission could not reasonably be withheld on the basis that a more flamboyant or intricate design is not sought.

When considered in context the works will not harm the character and appearance of the Covent Garden Conservation Area or the host buildings and as such complies with S25 and S28 of Westminster's City Plan and DES1, DES5 and DES6 of the Unitary Development Plan. In all other respects the application is considered acceptable and conditional permission is recommended.

3. LOCATION PLAN



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4. PHOTOGRAPHS



O2 - VIEW TOWARDS CARRIAGE HALL



O3 - ANTI-SOCIAL BEHAVIOUR



O1 - VIEW OF BANBURY COURT

5. CONSULTATIONS

COVENT GARDEN COMMUNITY ASSOCIATION

Object. Whilst appreciate the rationale, the design fails to maintain or improve (preserve or enhance) the character and appearance of the Covent Garden Conservation Area.

COVENT GARDEN AREA TRUST

The Trust supports the comments of the CGCA regarding the design of the proposed gate. The solid, plain design of the proposed gates will fail to maintain or improve (preserve or enhance) the character and appearance of the Covent Garden Conservation Area.

HIGHWAYS PLANNING

No objection. The gates are not on highway, neither do the plans show them opening out over the highway.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 24

Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND PAPERS

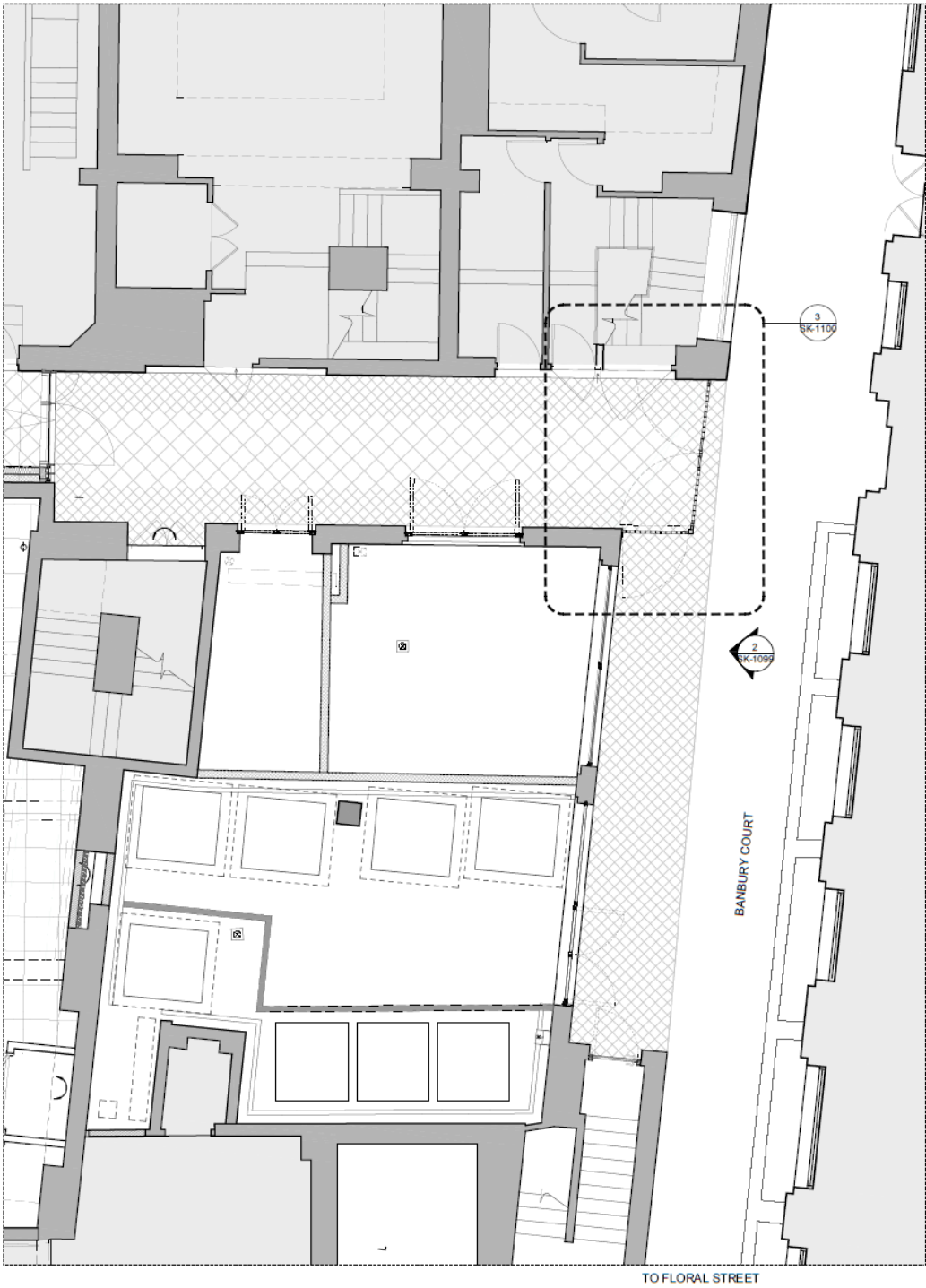
1. Application form.
2. Email for Highways Manager dated 24 March 2017.
3. Response from Covent Garden Community Association dated 6 March 2017.
4. Response from Covent Garden Area Trust dated 15 March 2017.

(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: VINCENT NALLY BY EMAIL AT VNALLY@WESTMINSTER.GOV.UK

7. KEY DRAWINGS

Location of proposed gates



DRAFT DECISION LETTER

Address: Carriage Hall, 28 to 30 Floral Street and 19-25 Long Acre, WC2E 9DP.

Proposal: Installation of gates to Banbury Court and associated works.

Reference: 17/01008/FULL

Plan Nos: SK-1096, SK-1097, SK-1098, SK-1099, SK-1100; Design and Access Statement dated January 2017.

Case Officer: Vincent Nally

Direct Tel. No. 020 7641 5947

Recommended Condition(s) and Reason(s)

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Reason:

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

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

Reason:

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

- 3 You must hang the gates so that they do not open over or across the pavement. (C24AA)

Reason:

In the interests of public safety and to avoid blocking the road as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2 and TRANS 3 of our Unitary Development Plan that we adopted in January 2007. (R24AC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

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