



City of Westminster

# Committee Agenda

Title:

**Planning Applications Sub-Committee (2)**

Meeting Date:

**Tuesday 3rd October, 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  
Robert Rigby



**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](mailto:tfieldsend@westminster.gov.uk)  
Corporate Website: [www.westminster.gov.uk](http://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**

- |   |                          |
|---|--------------------------|
| <b>1. 30 PORTMAN SQUARE, LONDON, W1H 9FJ</b>      | <b>(Pages 5 - 30)</b>    |
| <b>2. 34-36 CHARLES STREET, LONDON, W1J 5EB</b>   | <b>(Pages 31 - 48)</b>   |
| <b>3. 23 MEARD STREET, LONDON, W1F 0EL</b>        | <b>(Pages 49 - 66)</b>   |
| <b>4. 5 BOURLET CLOSE, LONDON, W1W 7BL</b>        | <b>(Pages 67 - 98)</b>   |
| <b>5. 35 - 50 RATHBONE PLACE, LONDON, W1T 1AA</b> | <b>(Pages 99 - 106)</b>  |
| <b>6. 26 BLOOMFIELD TERRACE, LONDON, SW1W 8PQ</b> | <b>(Pages 107 - 136)</b> |
| <b>7. 17-18 THAYER STREET, LONDON, W1U 3JX</b>    | <b>(Pages 137 - 146)</b> |
| <b>8. 34 SPRING STREET, LONDON, W2 1JA</b>        | <b>(Pages 147 - 160)</b> |

**Charlie Parker**  
**Chief Executive**  
**25 September 2017**

This page is intentionally left blank

CITY OF WESTMINSTER  
PLANNING APPLICATIONS SUB COMMITTEE – 3rd October 2017  
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

Item No	References	Site Address	Proposal	Resolution
1.	<b>RN(s) :</b> 17/05355/FULL  Bryanston And Dorset Square	30 Portman Square London W1H 9FJ	Erection of part single and part two-storey roof extension, erection of three-storey rear extension in order to provide an additional 42 bedrooms (Class C1) and erection of single storey side extension to provide extension to hotel (Class C1) facilities. Creation of new retail kiosk (Class A1) at ground floor level at corner of Portman Square and Upper Berkeley Street. Alterations to rear, front and side elevations.	
	<b>Recommendation</b> Grant conditional permission.			
Item No	References	Site Address	Proposal	Resolution
2.	<b>RN(s) :</b> 17/04745/FULL  West End	34-36 Charles Street London W1J 5EB	Erection of roof enclosure to convert part of the existing 5th floor level flat roof into a roof bar and terrace and extension at fifth floor level onto existing flat roof all in connection with existing hotel (Class C1). Relocation of existing air conditioning units to within new roof enclosure	
	<b>Recommendation</b> Grant conditional permission			
Item No	References	Site Address	Proposal	Resolution
3.	<b>RN(s) :</b> 17/06840/FULL 17/06841/LBC  West End	23 Meard Street London W1F 0EL	Use of the ground and basement floors of 23 Meard Street as retail (Class A1) in association with the existing retail unit at 74 Wardour Street to include the installation of a ground floor frontage to 23 Meard Street including new emergency and disabled access door and internal openings between 74 Wardour Street and 23 Meard Street.	
	<b>Recommendation</b> Grant conditional planning permission and listed building consent.			
Item No	References	Site Address	Proposal	Resolution
4.	<b>RN(s) :</b> 17/06046/FULL  West End	5 Bourlet Close London W1W 7BL	Demolition of existing mansard roof, and erection of new second floor and new mansard roof with rear roof terrace and privacy screen, excavation of new basement level, replacement windows and garage doors to front elevation and new windows to rear elevation and associated works; all to extend and alter dwellinghouse (Class C3).	
	<b>Recommendation</b> Grant conditional permission subject to no substantive additional issues being raised within 21 days of the requisite notice of the application being served upon other owner(s) of the application site.			
Item No	References	Site Address	Proposal	Resolution
5.	<b>RN(s) :</b> 17/06273/FULL	35 - 50 Rathbone	Variation of Condition 8 and 10 of planning permission Page 11 July 2016 (RN: 15/10824) for	

**CITY OF WESTMINSTER**  
**PLANNING APPLICATIONS SUB COMMITTEE – 3rd October 2017**  
**SCHEDULE OF APPLICATIONS TO BE CONSIDERED**

	West End	Place London W1T 1AA	the variation of Condition 1 of planning permission dated 17 February 2014 (RN 13/04844) for "Substantial demolition of existing buildings and redevelopment of the site to provide a mixed use scheme accommodated in two L-shaped buildings rising to nine storeys plus basements and rooftop plant with frontages to Rathbone Place and Newman Street set around a central open space; use of new buildings for up to 162 residential dwellings (Class C3) with communal garden, offices (Class B1), shops (Class A1), flexible space for use as shops (Class A1) and/or restaurant (Class A3) and/or bar (Class A4); provision within basement of plant rooms and car/cycle parking with vehicular access via lifts from Newman Street; ground floor loading bay with access from Newman Street; new pedestrian routes through the site from Newman Street and Rathbone Place; and associated works"; NAMELY, to enable 30% of the floor area of Unit 13 to be used for vertical drinking (Condition 8) and to allow use of the terrace for dining only until 22:00 (Condition 10).	
<b>Recommendation</b> Grant conditional permission subject to a deed of variation to the original legal agreement to ensure this permission is subject to the requirements of the S106 agreement dated 11 February 2014 and deed dated 11 July 2016.				
Item No	References	Site Address	Proposal	Resolution
6.	<b>RN(s) :</b> 17/06041/FULL 17/06042/LBC  Churchill	26 Bloomfield Terrace London SW1W 8PQ	Excavation of single storey basement, extending into the rear garden incorporating a lightwell; erection of two storey rear extension at lower ground and ground floors, and use of the flat roof at first floor as a roof terrace, with associated railings and alterations; installation of two air conditioning units within an enclosure on first floor roof terrace; lowering of front vaults by 150mm and installation of a boiler flue extract at pavement level; formation of new entrance lobby and door underneath the front foot path within front lightwell; replacement of metal windows to rear and front elevations with timber windows; installation of satellite dish to top of roof; and internal alterations.	
<b>Recommendation</b>  1. Grant conditional permission and conditional listed building consent. 2. Agree the reasons for granting conditional listed building consent as set out in Informative 1 of the draft decision letter.				
Item No	References	Site Address	Proposal	Resolution

CITY OF WESTMINSTER  
PLANNING APPLICATIONS SUB COMMITTEE – 3rd October 2017  
SCHEDULE OF APPLICATIONS TO BE CONSIDERED

7.	<b>RN(s) :</b> 17/05573/FULL  Marylebone High Street	17-18 Thayer Street London W1U 3JX	Installation of an air conditioning unit and acoustic enclosure within rear light well.	
	<b>Recommendation</b> Grant conditional permission			
Item No	References	Site Address	Proposal	Resolution
8.	<b>RN(s) :</b> 17/06089/FULL  Hyde Park	34 Spring Street London W2 1JA	Installation of one supply and one extract fan to the rear ground floor and refurbishment of existing timber plant enclosure.	
	<b>Recommendation</b> Grant conditional permission.			

This page is intentionally left blank



# Agenda Item 1

Item No.

1

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 3 October 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bryanston And Dorset Square	
Subject of Report	30 Portman Square, London, W1H 9FJ		
Proposal	Erection of part single / part two-storey roof extension and erection of three-storey roof extension to rear central wing in order to provide an additional 42 bedrooms (Class C1) and erection of single storey side extension to provide extension to hotel (Class C1) facilities. Creation of new retail kiosk (Class A1) at ground floor level at corner of Portman Square and Upper Berkeley Street. Alterations to rear, front and side elevations.		
Agent	Gerald Eve LLP		
On behalf of	International Hotelier (UK) Ltd		
Registered Number	17/05355/FULL	Date amended/ completed	19 June 2017
Date Application Received	15 June 2017		
Historic Building Grade	Unlisted		
Conservation Area	No		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

The application site comprises an unlisted purpose built hotel making up the western side of Portman Square. The site is located within the Core Central Activities Zone (Core CAZ). The site is not located in a conservation area but is surrounded by the Portman Estate Conservation Area to the south, west and east.

It is proposed to replace the plant storey at tenth floor level and the lift motor room above with a two-storey roof extension. The central rear wing is proposed to be increased in height by three storeys (including a storey of plant). A single storey ground floor extension is proposed at the corner of Upper Berkeley Street and Berkeley Mews in order to provide additional dining floorspace for use in an ancillary capacity to the hotel. In total, 1,880 sq.m (GIA) of additional hotel floorspace is proposed and the number of bedrooms is proposed to increase by 42. A small retail unit is proposed between the

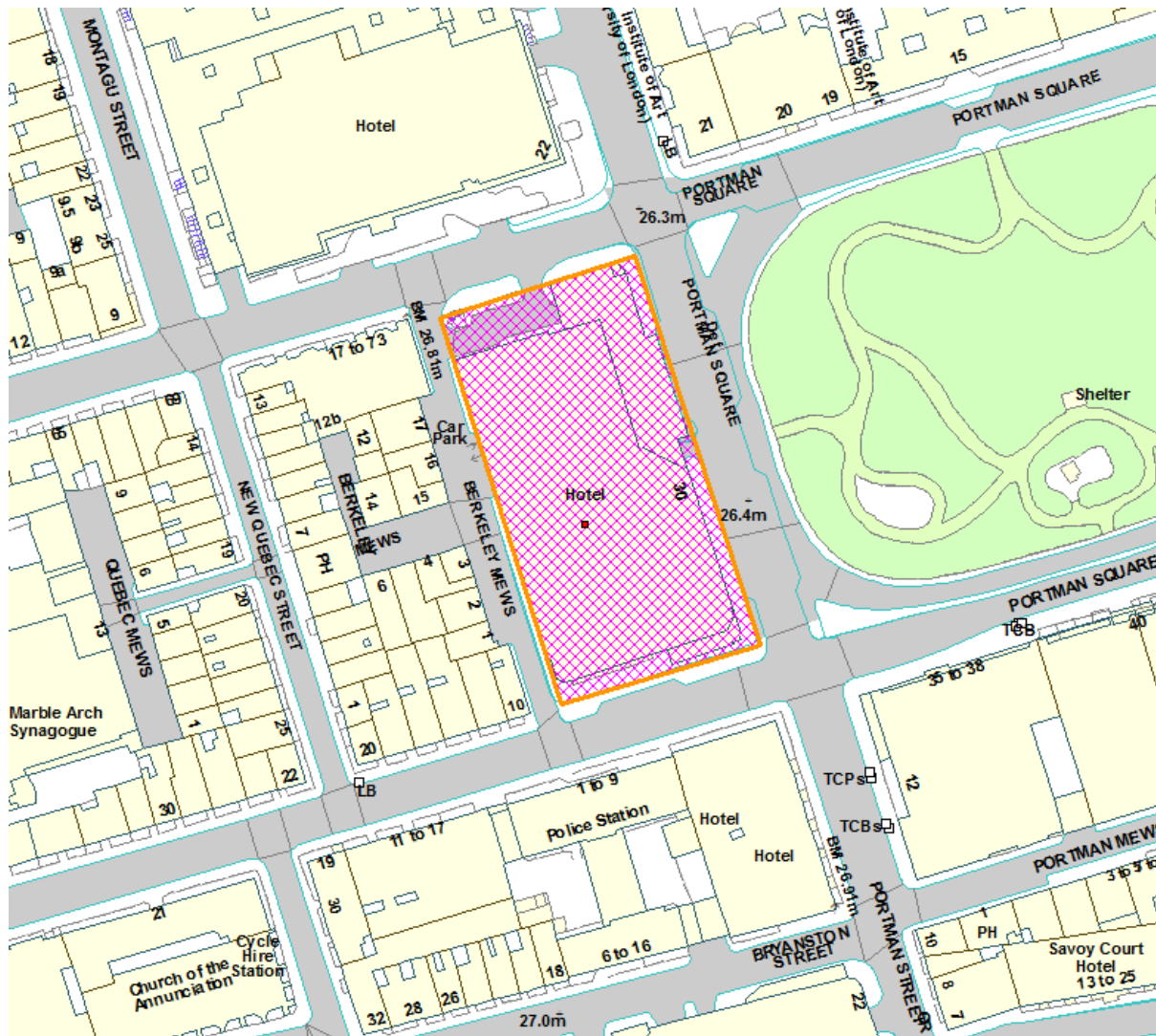
existing columns at the corner of Portman Square and Upper Berkeley Street. Finally, a number of external alterations are proposed at all floor levels to the hotel.

The main issues for consideration are:

- Whether the proposal would preserve the setting of the adjacent Portman Estate Conservation Area and the nearby listed building, and would not harm views out of Portman Square.
- Whether the proposal would preserve the amenity of nearby residents.
- Whether the extension to the hotel would have an acceptable impact upon the local highway network and public safety.

The site's location within the Core CAZ means that the proposed extensions to this hotel are acceptable in principle. The proposed extensions are also considered to be acceptable in design and conservation terms. Furthermore, the extensions will not have a harmful impact upon the local highway network, public safety or the amenity of local residents. For these reasons the proposal is considered to comply with the policies contained within the London Plan (2016), the City Plan (2016) and the Unitary Development Plan (UDP) (2007). It is accordingly recommended that permission be granted.

### 3. LOCATION PLAN



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

#### 4. PHOTOGRAPHS



## 5. CONSULTATIONS

### MARYLEBONE ASSOCIATION:

Any response to be reported verbally.

### CLEANSING:

Request that a revised drawing and waste management strategy be submitted to the City Council indicating proposal for the storage of residual waste and recyclable material.

### HIGHWAYS PLANNING:

- The proposed extensions and alterations at ground floor level will not affect the capacity of the existing off-street drop-off / pick-up facility, result in a significant detrimental impact on highway and operation and will not significantly alter the existing servicing arrangements.
- The quantum and location of the proposed cycle parking is acceptable.
- Concern raised in respect to the loss of one of the access ramps to the basement car park.

### ENVIRONMENTAL HEALTH:

No objection, subject to conditions.

### DESIGNING OUT CRIME:

Any response to be reported verbally.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 465

Total No. of replies: 4

No. of objections: 3

No. in support: 0

No. of neutral comments: 1.

### Amenity:

- Loss of daylight and sunlight.
- Concern that the increased size of the hotel will result in additional loading and unloading on Berkeley Mews which generates noise nuisance for local residents.
- Concern that the increased size of the hotel will mean more staff standing in Berkeley Mews and smoking.
- Concern in respect to cooking odours from the proposed ground floor extension.

### Design and Conservation

- The proposed extension is ugly, its height and mass is overbearing and it does not enhance Portman Square.

### Other:

- One commenting that all refuse bins should be in an enclosed compound.
- One raising concern that a roof extension has already been refused on this site previously, that the development may generate additional surface water runoff and requesting additional information in respect to the proposed relocated plant.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site comprises a large unlisted hotel occupying the whole of the west side of Portman Square, with lower wings of accommodation on the Seymour Street and Upper Berkeley Street frontages and to the centre of the building. The Radisson Hotels lies immediately to the north of the site and the former Seymour Street police station immediately to the south (currently being redeveloped as a mixed use scheme comprising a school, 24 x flats, a restaurant and office accommodation).

The existing hotel contains 440 hotel bedrooms on the upper floors to the slightly set back ninth floor level, with plant occupying the further set-back tenth floor. A lift motor room sits above this tenth floor.

The rear of the building fronts onto Berkeley Mews and has a loading bay and vehicular access to a ten-space basement car park. Off-street pick-up / drop-off is from the front of the hotel on Portman Square, with vehicles egressing onto Upper Berkeley Street

Berkeley Mews is mixed in character, containing offices, dwellinghouse and ground floor commercial garaging / storage. Nos. 1, 16 and 17 Berkeley Mews have all recently been granted permission to be converted from residential to office use and No. 1 has already been converted.

Whilst located outside of a conservation area, the hotel forms a significant feature in views out of the Portman Estate Conservation Area which surrounds the building to the west, east and south. Immediately to the south and south-east of the site are Grade II listed buildings in the form of Nos. 10-20 Seymour Street and the Northern part of Mostyn Hotel at the corner of Portman Street and Seymour Street. The site is not within a strategic viewing corridor.

The site is location within the Core CAZ.

### 6.2 Recent Relevant History

04/05854/FULL

Erection of two additional storeys to existing hotel building to create one penthouse residential flat (Class C3) including staff accommodation.

Application refused on 4 November 2004 on the grounds that the proposed extension, by reason of its height, bulk and massing, would harm the appearance and proportions of this building and harm the setting of the adjoining Portman Estate Conservation Area. A subsequent appeal against this decision was withdrawn.

## 7. THE PROPOSAL

The application proposes replacing the existing tenth floor and lift motor room with two floors of hotel accommodation. The tallest element of the building is proposed to increase

in height by 1.4m but the general increase in height across the roof is between 2.0m and 3.2m as a result of the wider new tenth and eleventh floors. The roof of the proposed extension is proposed to be a bio-diverse living room and includes photovoltaic arrays. The new tenth and eleventh floors are proposed to be faced in Portland stone.

The central rear wing of the hotel is proposed to be increased in height by three floors, including a storey of plant, in order to provide an 'executive lounge' and 'wellness area', with terraces facing Berkeley Mews.

The bedroom and facilities used within the building are proposed to be reconfigured with the net result being the provision of an additional 42 hotel bedrooms.

At ground floor level a single storey northern extension is proposed at the corner of Upper Berkeley Street and Berkeley Mews to provide additional dining accommodation for use in an ancillary capacity to the hotel. A florist (Class A1) is also proposed at the corner of Portman Square and Upper Berkeley Street through infilling an area between the columns of the building in glazing.

The existing loading bay on Berkeley Mews is proposed to be enlarged in order to accommodate the increased size of the hotel. The result is that the two vehicular ramps to the basement car park are proposed to be reduced to one. The number of car parking spaces is proposed to be reduced from ten to six and 24 cycle parking spaces are proposed at basement level.

A number of other external alterations are proposed, including alterations to the ground floor glazing facing Portman Square, re-cladding the ground floor columns in Portland stone in place of the existing grey marble, installing a new central entrance on Portman Square (again in Portland stone), rendering the rear elevation in Portland stone aggregates, and installing new windows in all floor levels in both the north and south flank elevations.

The increase in hotel floorspace is set out below:

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Hotel (Class C1)	28,506	30,386	+1,880
Shop (Class A1)	0	41	+41

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

London Plan Policy 4.5 seeks to achieve 40,000 net additional hotel bedrooms by 2036, of which at least 10 per cent should be wheelchair accessible. City Plan Policy S6 outlines how the Core CAZ is an appropriate location for a range of commercial uses, whilst City Plan Policy S23 directs new hotels to the Core CAZ (amongst other locations) and states that proposals to improve the quality and range of hotels will be encouraged.

UDP Policy TACE 2 also directs new hotels and permits extensions to existing hotels to streets in the Core CAZ which do not have a predominantly residential character. This is provided no adverse environmental and traffic effects would be generated and adequate provision is made for setting down of visitors by coaches or taxis where a significant amount of new visitor accommodation is proposed.

It is understood that the current restaurant offer is not sufficient to service the existing occupancy levels within the hotel. The addition of new ancillary facilities would improve the overall offer and experience for visitors. Furthermore, the proposed addition 42 bedrooms would contribute towards the target within the London Plan. The proposed hotel extensions are therefore acceptable in land use terms.

The proposed shop at ground floor level will enliven this corner and provide retail opportunities for local residents and visitors, in accordance with City Plan Policy S6 and S21 and UDP Policy SS4.

## **8.2 Townscape and Design**

The existing hotel comprises of nine storeys plus a recessed tenth storey of plant. It is predominantly of red brick with stone cornices at ground and seventh floor on the Portman Square facade. There is concrete banding between each floor which is continued around the sides and to the rear of the building. The north and south corners of the Portman Square frontage feature dual aspect windows and there are two blind windows, marked by recesses in the brickwork, on each level of the north and south facade. There are also two lower wings of accommodation facing onto Seymour Street and Upper Berkeley Street.

As set out above, a previous application for a roof top extension to provide a penthouse flat on this site was refused in 2004 on design and conservation grounds. The proposed two storey glazed extension was considered to increase the prominence of the building and cause harm to the setting of the neighbouring Portman Estate Conservation Area.

The current design, however, is considered to be of significantly better design quality through providing a better solid to void ratio and a more harmonious architectural relationship with the host building. Furthermore, the height and bulk is ameliorated by the proposed stepping back of the bulk. The design echoes the relocated central entrance and gives a better 'top' to the building. This is reinforced by the design of the roof extension which deliberately completes the building there by ensuring that the overall composition of the building presents a more coherent contribution to the setting and views into and out of the Portman Estate Conservation Area and from Portman Square. The use of Portland stone cladding at roof level and at ground floor level ties the building together and is a suitable material for the site's context.

The proposed Portland stone-clad single storey northern extension at the corner of Upper Berkeley Street and Berkeley Mews and infilling the columns with glazing to provide a retail unit at the corner of Portman Square and Upper Berkeley Street will significantly improve the building's relationship with the streetscene and improve the appearance of what is currently an underused and unresolved corner of the site.



The increase in height of the central rear wing is uncontentious, being set against the taller main part of the hotel and through the floors recessing as they rise. The tidying up of the rear elevation on Berkeley Mews is also welcome.

It is concluded that the proposed alterations will enhance the appearance of the building, preserve the setting of the neighbouring Portman Estate Conservation Area and the setting of the nearby listed buildings, and not harm views out of Portman Square. The proposal is therefore acceptable, being in accordance with City Plan Policy S25 and S28 and UDP Policies DES1, DES 5, DES 6, DES 9, DES 10 and DES 12. For these reasons, the objection on design and conservation ground cannot be supported in this instance.

### 8.3 Residential Amenity

The City Council places high priority on protecting residential amenity, with UDP Policy ENV 13 stating that the City Council will normally resist proposals which result in a material loss of daylight or sunlight to neighbouring properties. Similarly, City Plan Policy S29 seeks to ensure that development proposals safeguard the amenities of neighbouring residents in terms of privacy, outlook and noise.

#### *Sunlight and Daylight*

Policy ENV13 states that regard should be given to the Building Research Establishment guidance entitled, '*Site layout planning for daylight and sunlight: a guide to good practice*' (the BRE Guide). The second edition of this guidance was published in September 2011.

As set out above, objections from residents to the rear of the site have been received on the grounds that the proposed extension will result in losses of daylight and sunlight that would be harmful to residential amenity.

A full sunlight and daylight assessment accompanies the application that assesses the impact of the proposed extensions to the hotel on residential windows within Nos. 1, 2, 16 and 17 Berkeley Mews, Nos. 10-14 Seymour Street, Nos. 17-73 Upper Berkeley Street and the development currently being constructed at Nos. 1-9 Seymour Street. The assessment finds that the proposed extensions will not adversely impact on any adjoining residential buildings in respect to daylight or sunlight, with any losses not being noticeable. As such, the proposal is fully compliant with the BRE Guide (2011) and therefore UDP Policy ENV 13 and City Plan Policy S29. The objections on this ground therefore cannot be supported.

#### *Privacy and Sense of Enclosure*

The existing building is significantly taller than its immediate neighbours and the extension proposed is set back from the rear elevation. It is not considered therefore, that the proposal would afford the opportunity for direct overlooking of adjacent properties or any material increase sense of enclosure.

### *Noise and Disturbance*

In order to ensure that the proposed terraces at rear third and fifth floor levels do not result in harm to the amenity of residents within Berkeley Mews, it is recommended that a condition is imposed prohibiting access between 22.00 and 08.00 daily.

Whilst the concern from local residents that the increase in the size of the hotel will mean more loading and unloading on from Berkeley Mews is recognised, the Highways Planning Manager is satisfied that the proposed extensions will not significantly alter the existing service arrangements. Furthermore, the enlarged loading bay will allow more of this servicing to take place off-street.

Finally, the additional hotel dining facility at the corner of Upper Berkeley Street and Berkeley Mews is unlikely to cause disturbance for local residents late into the evening as it is proposed to be used in an ancillary capacity to the hotel, with diners returning to their rooms or to the main lobby before leaving the hotel.

### *Odour*

The proposed new restaurant at the corner of Upper Berkeley Street and Berkeley Mews will be served by the existing hotel kitchen and therefore will not generate any additional cooking odours.

## **8.4 Transportation/Parking**

The Highways Manager is satisfied that the proposed extensions and alterations are acceptable in transportation terms through not affecting the capacity of the existing off-street drop-off / pick-up facility, having a significant detrimental impact on highway and operation or significantly alter the existing servicing arrangements.

There is also no objection to the reduction in car parking spaces within the basement from ten to six given that UDP Policy TRANS 22(B) states that car parking facilities will not normally be permitted within hotel developments. Whilst some concern has been raised in respect to the reduction in the number of access ramps from two to one, it is concluded that one ramp is sufficient for this small number of spaces. This is subject to securing by condition the submission of a Car Parking Management Plan (including traffic lights) and ensuring that a maximum of six parking spaces are provided

## **8.5 Economic Considerations**

The economic benefits of additional visitors to Westminster and the associated increase visitor spend to the local economy are welcome.

## **8.6 Access**

10% of the proposed new bedroom will be wheelchair accessible, in accordance with London Plan Policy 4.5 and all of the entrances to the hotel provide level access. Lift access is also provided to all floors.

## 8.7 Other UDP/Westminster Policy Considerations

### *Noise*

In order to ensure that noise generated by any of the ancillary hotel floorspace proposed (such as the 'wellness clinic') does not cause harm to neighbouring residential amenity, a condition is recommended that ensures that noise 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.

### *Plant*

Environmental Health has assessed the Environmental noise survey submitted by the applicant and has no objection to the proposed new and relocated plant operating on a 24 hours basis from a noise or vibration perspective, subject to conditions.

### *Refuse / Recycling*

The proposed increase in the size of the loading bay has been confirmed to be acceptable by the Cleansing Manager, with final details on the location and capacity of storage for waste and recyclable material proposed to be secured by condition.

### *Biodiversity and Flooding*

The application proposes that the majority of the flat roof of the hotel will be 'living roofs' which will both to add to local biodiversity and to reduce water run-off. The application estimates that the system collectively has the capacity to store 139.4 cubic metres of rainwater on site, which marginally exceeds the storage requirement when considering a 1 in 100-year rainfall event and a climate change factor of 40%. This provision is in accordance with by City Plan Policies S30 and S38 and UDP Policies ENV 4 and ENV 17.

### *Sustainability*

An Energy Assessment setting out how the development will meet the targets for carbon dioxide emissions reduction set out in London Plan Policy 5.2 has been submitted and the three-step energy hierarchy has been implemented and the estimated regulated carbon dioxide saving on site are 32.8% against Part L 2013 through the use of the existing hotels' combined heat and power facility, the proposed photovoltaic arrays at roof level,

This falls slightly short of the 35% set out in London Plan Policy 5.2 which equates to 6.3 tonnes per annum of regulated CO<sub>2</sub>, equivalent to 188.6 tonnes over 30 years, to be offset offsite. A condition is recommended securing an appropriate means of off-setting this deficit off-site.

It is expected that the on-site renewable technology will reduce carbon dioxide emissions from the building by 10.7%. Whilst this falls short of the 20% reduction required by City Plan Policy S40, it is considered that this is the maximum that the site can achieve and is therefore acceptable. The delivery of these environmentally friendly features is secured by condition.

## 8.8 London Plan

This application raises no strategic issues other than the target for additional hotel bedrooms set out within Section 8.1 of this report.

## 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

Whilst the increase in retail and hotel floorspace does trigger a payment requirement under the Mayor's Crossrail Funding SPG (March 2016), the amount payable under the planning obligations policy is less than that payable under the Mayor's CIL and therefore only the Mayor's CIL is payable. As such, planning obligations are not relevant in the determination of this application.

The estimated CIL payment is:

- Mayoral CIL - £399,975 (index linked).
- Westminster CIL - £521,258 (index linked).
- Total - £921,233 (index linked).

## 8.11 Environmental Impact Assessment

The proposal is of insufficient scale to require an Environmental Impact Assessment.

## 8.12 Other Issues

### *Construction impact*

The development will be subject to a condition requiring adherence to the Code of Construction Practice that will ensure that the disruption during the course of construction is minimised.

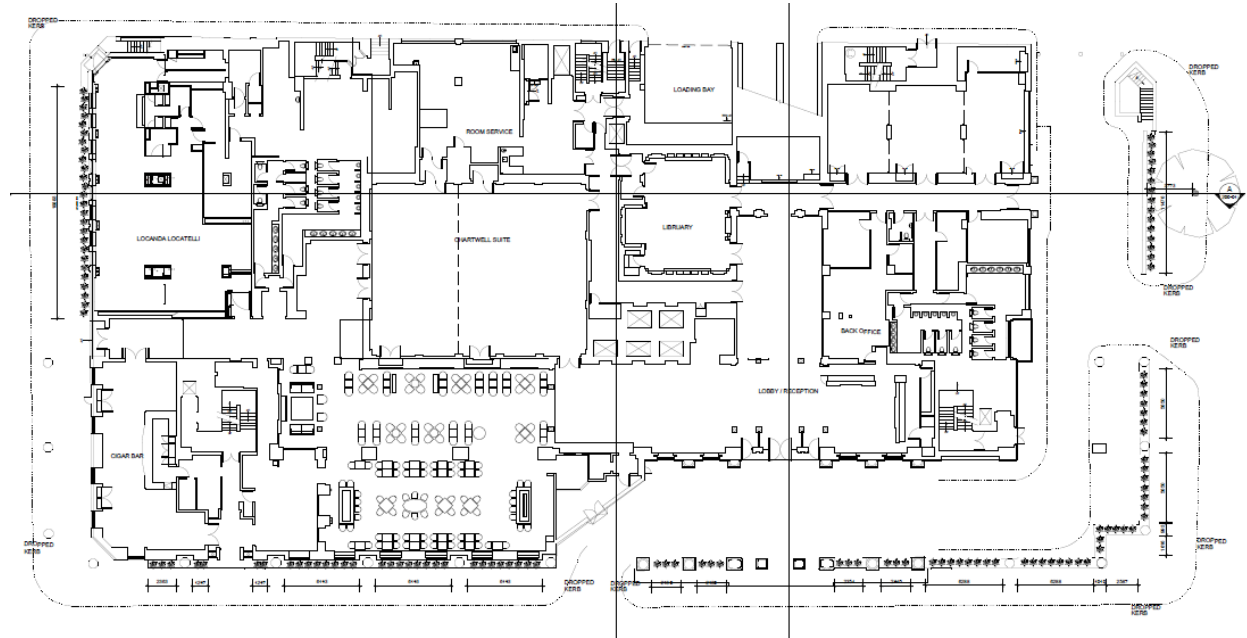
## 9. BACKGROUND PAPERS

1. Application form
2. Memorandum from Cleansing, dated 6 July 2017
3. Memorandum from Environmental Health, dated 11 July 2017
4. Memorandum from Highways Planning, dated 2 August 2017
5. Letter from occupier of 12b Berkeley Mews, Westminster, dated 3 July 2017
6. Letter written on behalf of the Residents Committee for 71-73 Upper Berkeley Square, dated 7 July 2017
7. Letter from occupier of Flat 15, 71-73 Upper Berkeley Street, dated 20 July 2017
8. Letter from occupier of 71-73 Upper Berkeley Street, London, dated 12 July 2017
9. Letter from occupier of 8 Priory Close, London, dated 11 July 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: MARK HOLLINGTON BY EMAIL AT [mhollington2@westminster.gov.uk](mailto:mhollington2@westminster.gov.uk)

Existing ground floor plan:



Architectural floor plan of the Locanda Locatelli restaurant extension. The plan shows a large rectangular building with various rooms including Ballrooms 1, 2, and 3, a Restaurant, Kitchen, Reception, and various service areas. Key features include:

- Ballroom 1: 154 m²
- Ballroom 2: 207 m²
- Ballroom 3: 207 m²
- Restaurant: 275 m²
- Kitchen: 55 m²
- Reception: 60 m²
- Extension: 258.01 m²
- Other rooms: Ballroom 4 (115 m²), Reception (60 m²), Kitchen (55 m²), Restaurant (275 m²), Ballroom 1 (154 m²), Ballroom 2 (207 m²), Ballroom 3 (207 m²), Kitchen (55 m²), Reception (60 m²), Restaurant (275 m²), Ballroom 1 (154 m²), Ballroom 2 (207 m²), Ballroom 3 (207 m²), Kitchen (55 m²), Reception (60 m²), Restaurant (275 m²).

The plan also shows existing and proposed windows, doors, and structural elements. A north arrow is located in the top right corner.

Existing elevation:



Proposed elevation:



Fig. P.1. - Proposed new elevation. This elevation indicates the relocation of the main entrance, the addition of glass doors to the main entrance, the addition of a glass door to the main entrance, the addition of a glass door to the main entrance, the addition of a glass door to the main entrance.



Fig. P.2. - Proposed new elevation. This elevation indicates the relocation of the main entrance, the addition of glass doors to the main entrance, the addition of a glass door to the main entrance, the addition of a glass door to the main entrance, the addition of a glass door to the main entrance.

Existing elevation:



Proposed elevation:





**DRAFT DECISION LETTER**

**Address:** 30 Portman Square, London, W1H 9FJ

**Proposal:** Erection of part single and part two-storey roof extension, erection of three-storey rear extension in order to provide an additional 42 bedrooms (Class C1) and erection of single storey side extension to provide extension to hotel (Class C1) facilities. Creation of new retail kiosk (Class A1) at ground floor level at corner of Portman Square and Upper Berkeley Street. Alterations to rear, front and side elevations.

**Reference:** 17/05355/FULL

**Plan Nos:** A-PL-HW-1B2-01 Rev. 01, A-PL-HW-100-01 Rev. 02, A-PL-HW-1MZ-01 Rev. 01, A-PL-HW-102-01 Rev. 02, A-PL-HW-103-01 Rev. 02, A-PL-HW-104-01 Rev. 01, A-PL-HW-105-01 Rev. 01, A-PL-HW-106-01 Rev. 01, A-PL-HW-107-01 Rev. 01, A-PL-HW-108-01 Rev. 01, A-PL-HW-109-01 Rev. 01, A-PL-HW-110-01 Rev. 01, A-PL-HW-111-01 Rev. 01, A-PL-HW-112-01 Rev. 02, A-PL-HW-270-01 Rev. 01, A-PL-HW-270-02 Rev. 01, A-PL-HW-270-03 Rev. 01, A-PL-HW-270-04 Rev. 01, A-PL-HW-220-01 Rev. 01, A-PL-HW-220-02 Rev. 01, A-PL-HW-220-03 Rev. 01, 5026-L-710, 5026-L-10, and Section 2.13 of the Design and Access Statement (dated 15 June 2017).

**Case Officer:** Mark Hollington

**Direct Tel. No.** 020 7641 2523

**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:

- 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)

- 3 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 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.

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

Reason:

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

- 5 (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 extended hotel (Class C1) 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 extended hotel (Class C1) 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.

- 6 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)

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

Reason:

To protect neighbouring residents from noise nuisance and to make sure that the appearance of the building is suitable. This is as set out in S28, S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6, ENV 7, DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007.

- 8 You must provide the enlarged waste store shown on drawing A-PL-HW-100-01 Rev. 02 prior to any of the additional hotel floorspace hereby approved being occupied. You must clearly mark it and make it available at all times to everyone using the hotel. 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 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 detailed drawings showing the layout and capacity of the enlarged waste store hereby approved. You must not occupy any of the additional hotel floorspace hereby approved 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 hotel. (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)

- 10 You must not use any part of the enlarged hotel hereby approved until we have approved appropriate arrangements to secure the following:

- Measures to ensure that the carbon dioxide saving deficit are secured off-site.

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. (C19BA)

Reason:

To ensure that the carbon dioxide savings required by London Plan (2016) 5.2 are secured.

- 11 You must provide each cycle parking space shown on the approved drawings prior to occupation of the additional hotel floorspace hereby approved. Thereafter the cycle spaces must be retained and the space used for no 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.

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 13 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 make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 14 You must apply to us for approval of detailed drawings at 1:20 of the following parts of the development - typical bays / windows. You must not start any work on these parts of the development until we have approved what you have sent us.

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

**Reason:**

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

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

**Reason:**

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

- 16 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 the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

**17 Pre Commencement Condition.**

(a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved what you have sent us.

(b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, to Historic England, and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST.

(c) You must not use any part of the new building until we have confirmed that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

**Reason:**

To avoid damage to any archaeological remains on site as set out in S25 of Westminster's City Plan (November 2016) and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32AC)

- 18 You must provide the following bio-diversity / surface water run-off attenuating features before occupation of any of the additional hotel floorspace hereby approved:

- The living roofs shown on approved drawings 5026-L-710, 5026-L-10, A-PL-HW-102.01 Rev. 02, A-PL-HW-103.01 Rev. 02 and A-PL-HW-112.01 Rev. 02, and in accordance with the specification set out within Section 2.13 of the Design and Access Statement dated 15 June 2017 hereby approved.

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

Reason:

To increase the biodiversity of the environment and to reduce surface water run-off, as set out in S30 and S38 of Westminster's City Plan (November 2016) and ENV 4 and ENV 17 of our Unitary Development Plan that we adopted in January 2007 and Policies 5.10, 5.13, 7.19 of the London Plan (adopted 2016). (R43FB)

- 19 You must provide the following environmental sustainability features (environmentally friendly features) before you start to use any part of the development, as set out in your application:

- The photovoltaic panels shown on approved Dwg. No. A-PL-HW-112.01 Rev. 02.

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

Reason:

To make sure that the development provides the environmental sustainability features included in your application as set out in S28 or S40, or both, of Westminster's City Plan (November 2016). (R44AC)

- 20 Other than to escape during an emergency, staff and guests shall not use the terraces at rear third and fifth floor levels outside of the following hours: 22.00 - 08.00 daily

Reason:

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

- 21 The basement car park shall contain a maximum of six car parking spaces.

You must apply to us for approval of a Car Parking Management Plan setting out measures to ensure that operation of the basement car park and access ramp will not cause a highways obstruction on Berkeley Mews.

Reason:

In the interests of public safety and to reduce use of private motor vehicles as set out in S41 of Westminster's City Plan (November 2016) and TRANS 2, TRANS 3 and TRANS 22 of our Unitary Development Plan that we adopted in January 2007. (R24BC)

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

Reason:

In the interests of public safety 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. (R24BC)

**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 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](http://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](mailto:CIL@Westminster.gov.uk), , **Payment of the CIL charge is mandatory and there are strong enforcement powers and penalties for failure to pay, including Stop Notices, surcharges, late payment interest and prison terms.**
- 3 With reference to condition 6 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.



- 4 Under Condition 10 we are likely to accept a legal agreement / undertaking under section 106 of the Town and County Planning Act to secure a contribution of £11,316 towards projects to reduce carbon dioxide emissions elsewhere within the City of Westminster. Please look at the template wordings for planning obligations (listed under 'Supplementary planning guidance') on our website at [www.westminster.gov.uk](http://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. (I77AA)

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.

This page is intentionally left blank

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 03 October 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	34-36 Charles Street, London, W1J 5EB		
Proposal	Erection of roof enclosure to convert part of the existing 5th floor level flat roof into a roof bar and terrace and extension at fifth floor level onto existing flat roof all in connection with existing hotel (Class C1). Relocation of existing air conditioning units to within new roof enclosure		
Agent	Cooley Architects		
On behalf of	Chesterfield Mayfair Hotel Limited		
Registered Number	17/04745/FULL	Date amended/ completed	27 June 2017
Date Application Received	30 May 2017		
Historic Building Grade	Unlisted		
Conservation Area	Mayfair		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

The application site is an unlisted building in the Mayfair Conservation Area and the Core Central Activities Zone (CAZ). The property is located on the corner of Charles Street and Queen Street and comprises of basement, ground and four upper floors. It forms part of the Chesterfield Mayfair Hotel. Permission is sought to allow the erection of a dummy mansard roof enclosure to convert part of the existing 5th floor flat roof into a roof bar and terrace and extension at fifth floor level onto the existing flat roof, all in connection with existing hotel. Existing air conditioning units will be re-located into the dummy mansard.

The key issues for consideration are:

- The impact of the proposals upon the amenity of neighbouring residential properties, and
- The acceptability of the proposals upon the appearance of the building and the character and appearance of the conservation area.

Following revisions to the detailed design of the dummy mansard, the proposal is considered acceptable in design terms.

Three objections have been received raising concern regarding the impact on amenity of the proposal. Due to the design of the dummy mansard and distance between the site and the objectors, it is considered that there would be limited impact to residential amenity. Subject to conditions restricting capacity, hours, use by hotel guests only and no music to be played, it is considered that the objections cannot be upheld and that the proposed bar/terrace is considered acceptable in amenity and land use terms.

Accordingly, the application is recommended for approval.

### 3. LOCATION PLAN



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

#### 4. PHOTOGRAPHS

View of application site from street level (the corner of Charles Street and Queen Street)



## 5. CONSULTATIONS

### RESIDENTS' SOCIETY OF MAYFAIR AND ST JAMES'S

No response to date

### ADJOINING OWNERS AND OCCUPIERS:

No. consulted: 92

No. responded: 3

Three objections (one on behalf of a residents company) raising some or all of the following grounds:

- Amenity impacts of the proposed use (conditions requested)
- Objection to the retractable roof
- Request for no vehicle access for the works from Clarges Mews

SITE AND PRESS NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site is an unlisted building in the Mayfair Conservation Area and the Core Central Activities Zone (CAZ). The property comprises of basement, ground and four upper floors. It is located on the corner of Charles Street and Queen Street and forms part of the Chesterfield Mayfair Hotel (which also occupies the large modern tower to the rear and the two upper most floors of Dartmouth House (37-38 Charles Street, The English Speaking Union). Clarges Mews is located to the rear of the site.

### 6.2 Recent Relevant History

None applicable

## 7. THE PROPOSAL

Permission is sought to allow the erection of a dummy mansard roof enclosure to convert part of the existing 5th floor level flat roof into a roof bar and terrace in connection with existing hotel (Class C1). The dummy mansard will extend along both the Charles Street and Queen Street elevations and create a double pitched roof effect, on top of the existing mansard. A small extension at fifth floor level, onto the existing flat roof, is also proposed to accommodate two toilets for the terrace. Relocation of existing air conditioning units to within new roof enclosure will also be undertaken. The detailed design of the proposed dummy mansard has been amended during the application to address officers' concerns.

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use and Amenity

UDP Policy TACE 2 states that new hotels and extensions to existing ones within streets in the Core CAZ which do not have a predominantly residential character will be granted permission where there are no adverse environmental and traffic effects, and where adequate on-site facilities are incorporated within developments proposing significant amounts of new visitor accommodation. City Plan Policy S23 encourages proposals to improve the quality and range of hotels.

The supporting text to UDP Policy TACE 2 states, where appropriate, the City Council will attach conditions to planning permissions for hotel development to ensure that functional areas within hotels, such as restaurants, bars, etc., are restricted to use by resident hotel guests only and that such areas are used only in conjunction with the main use of the building as a hotel.

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

Council records indicate that there are a large number of residential premises surrounding the site at Nos. 11 and second and third floors of 12 Queen Street, Nos. 13, 14, 15 (Rosebery Court), 17, 18 and 18a Charles Street. The rear of 7 Curzon Street (also in residential use) has residential units backing onto Clarges Mews.

#### Landuse:

The proposal will provide a terrace/bar area for use in association with the existing hotel. No additional visitor accommodation will be provided as a result of the proposals. The small area to be extended provides toilet facilities for the proposed terrace/bar.

The applicant has stated that it considers the proposal to be of a modest scale due to its intention to have no more than 60 people in the terrace/bar area at any one time.

Furthermore, the applicant has agreed to conditions restricting the hours of use for the terrace/bar area to 10:00-23:00 daily and for the terrace to only be used by hotel guests.

In the context of the site's location within the Core CAZ in an area of mixed character, subject to these conditions, there is no objection in principle to the proposed roof terrace.

#### Noise:

Objections have been received from flats in Rosebery Court and 7 Curzon Street on the grounds of impact on amenity from noise. The design of the proposal is such that, due to the shielding nature of the dummy pitched roof to the front elevations, Rosebury Court would be largely protected from any noise impacts. Additionally, Rosebury Court is not located directly opposite the part of the roof proposed for the terrace/bar area.



Two objections have raised concern regarding the impact of the retractable roof. However, these are in reference to the noise impact when this would be open. The proposal is for an open terrace, which would be partly covered by the retractable roof. It is therefore considered that these aspects of the objections should be considered as part of the amenity issues raised and cannot be upheld on their own.

Given the outdoor nature of the terrace/bar area, it is considered necessary and appropriate to restrict the nature of the use (hours, capacity and hotel guests only) in line with that requested by the applicant to minimise the impact on residential amenity. Additionally, a condition prohibiting the playing of amplified music is recommended. These conditions would be considered sufficient to overcome the objections on amenity grounds. Furthermore, the terminal hour of 23:00 is in line with the terminal hour requested by one of the objectors. The application is therefore considered acceptable on noise grounds subject to conditions, and the objections cannot be upheld.

#### Daylight and Sunlight:

No daylight and sunlight report has been submitted in support of the application. However, due to the small increase in height bulk, it is not anticipated that there would be any noticeable loss of light to surrounding residential properties.

#### Overlooking:

The proposed additional roof on the Charles Street and Queen Street elevations measures 2.0m high and would therefore not allow for any overlooking to occur towards the properties opposite the site. The terraced area is set back from the roof line at the rear of the building by 1.5m. Additionally, the rear of the properties on Queen Street are at an oblique angle to the application property so this, combined with the setback terrace, is considered to overcome any significant impact from overlooking to these properties. No objections have been received from the properties on Queen Street.

The distance from the rear of the Charles Street building facade to the rear of 7 Curzon Street is approximately 24m. This is considered a significant distance and, combined with the barrier to most of 7 Curzon Street created by the large block at the rear of the hotel, means that very few parts of 7 Curzon Street have a direct line/view of the application site.

The application is therefore not considered to create any overlooking issues and is acceptable in amenity terms.

For these reasons the application is acceptable in amenity terms and complies with Policies ENV 13 of the UDP and S29 of the Westminster City Plan.

## **8.2 Townscape and Design**

34-36 Charles Street makes a positive contribution to the character and appearance of the conservation area. It has four storeys above street level with an additional roof storey - a single pitch dormered mansard except in the central pavilion where the roof storey is sheer. The roof height is consistent between mansard and the parapet of the sheer section. The building to the east (the English Speaking Union) is considerably taller than the application property. It is grade II\* listed. To the south of the application site is 11 Queen Street, which is shorter than the application site, and is grade II listed.

The proposed works are a false roof forming a secondary slope to the existing mansard, which will enclose a new roof terrace with bar area, retractable roof and toilets. As originally proposed, the design of the roof was unacceptable. The build-up of the parapet was considered to be unacceptable, resulting in an awkwardly proportioned central pavilion, with an expanse of blank brickwork. A further mansard on top of that would also have been unacceptable. It also featured an unacceptable sheer extension to the Queen Street party wall.

The original design has been amended to address officer's concerns. There is no longer an extension to the sheer section of the roof storey; the new mansard now runs along the whole width of the building, and the return to Queen Street has been changed from a blank party wall to a hipped mansard. A two pitch mansard is not contrary to policy, and this form exists elsewhere on Charles Street. The principle of the additional roofslope is therefore acceptable.

11 Queen Street is considerably lower than the application site; the relationship between the extension and 11 Queen Street is therefore particularly important. This part of the site is also readily visible from street level views. The hipped secondary roof slope now results in a better transition between the proposal and the adjoining building. Following revisions, the false nature of the secondary roof slope is no longer evident from street level views.

In private views from the south of the building the new roof terrace, with its retractable roof, bar area and the enclosing roof slope will all be visible. However this is considered to be acceptable in design terms. Existing rooftop plant is to be moved to within the angle of the new roofslope which is welcomed.

The current proposal is considered to be acceptable in terms of its impact on the conservation area, and on the adjacent listed buildings. The application is therefore acceptable in design terms and complies with Policies S28 of Westminster's City Plan and DES 1, DES 5, DES 9 and DES 10 of the UDP.

### **8.3 Transportation/Parking**

Not applicable

### **8.4 Economic Considerations**

Any economic benefits deriving from the proposal are welcome.

### **8.5 Access**

Access to the proposed terrace/bar will only be through the existing hotel. Access arrangements to the hotel will remain unchanged.

**8.6 Other UDP/Westminster Policy Considerations**

None applicable

**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.

**8.10 Environmental Impact Assessment**

Not Applicable

**8.11 Other Issues**Construction impact

One objection has stated that there should be no access or vehicles for the proposed works from Clarges Mews. There is currently no vehicle access to the rear of the property from Clarges Mews due to the location of two bollards. The part of Clarges Mews behind the site would also be considered too small to get a standard vehicle down, let alone a construction vehicle. Additionally, the area of the proposal is some distance from the Mews and it would be difficult to access the roof from this location. It would therefore be unreasonable to withhold permission on these grounds and it is not considered that the objection on these grounds can be upheld.

**9. BACKGROUND PAPERS**

1. Application form
2. Letter from occupier of 7 Curzon Street, London, dated 24 July 2017
3. Letter from occupier of Flat 4, 7 Curzon Street, dated 24 July 2017
4. Letter from occupier of Rosebery Court, 15 Charles Street, dated 21 July 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: MARK HOLLINGTON BY EMAIL AT [mhollington2@westminster.gov.uk](mailto:mhollington2@westminster.gov.uk)

## 10. KEY DRAWINGS

## Existing/Proposed Elevations



① Existing Charles Street Elevation  
1:200



② Proposed Charles Street Elevation  
1:200

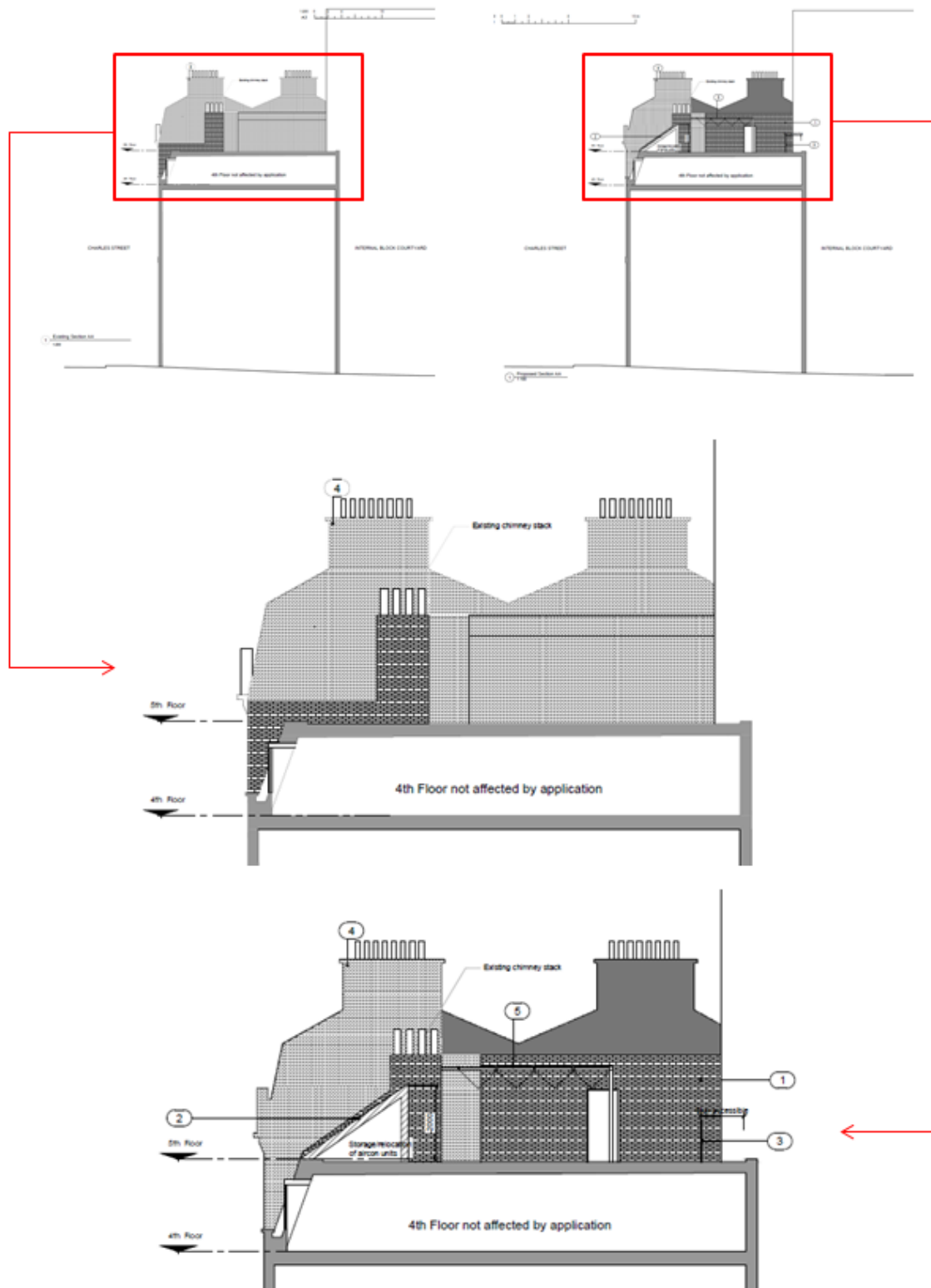


③ Existing Queen Street Elevation  
1:200

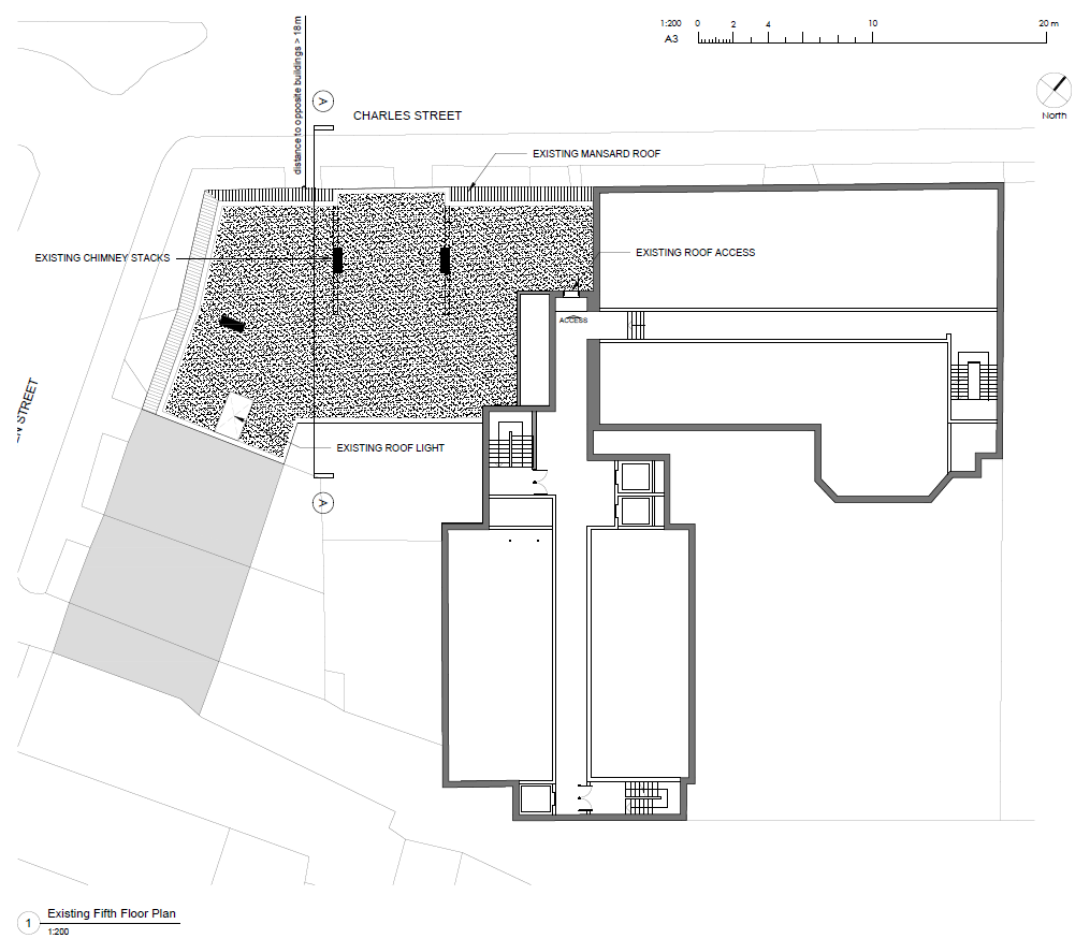


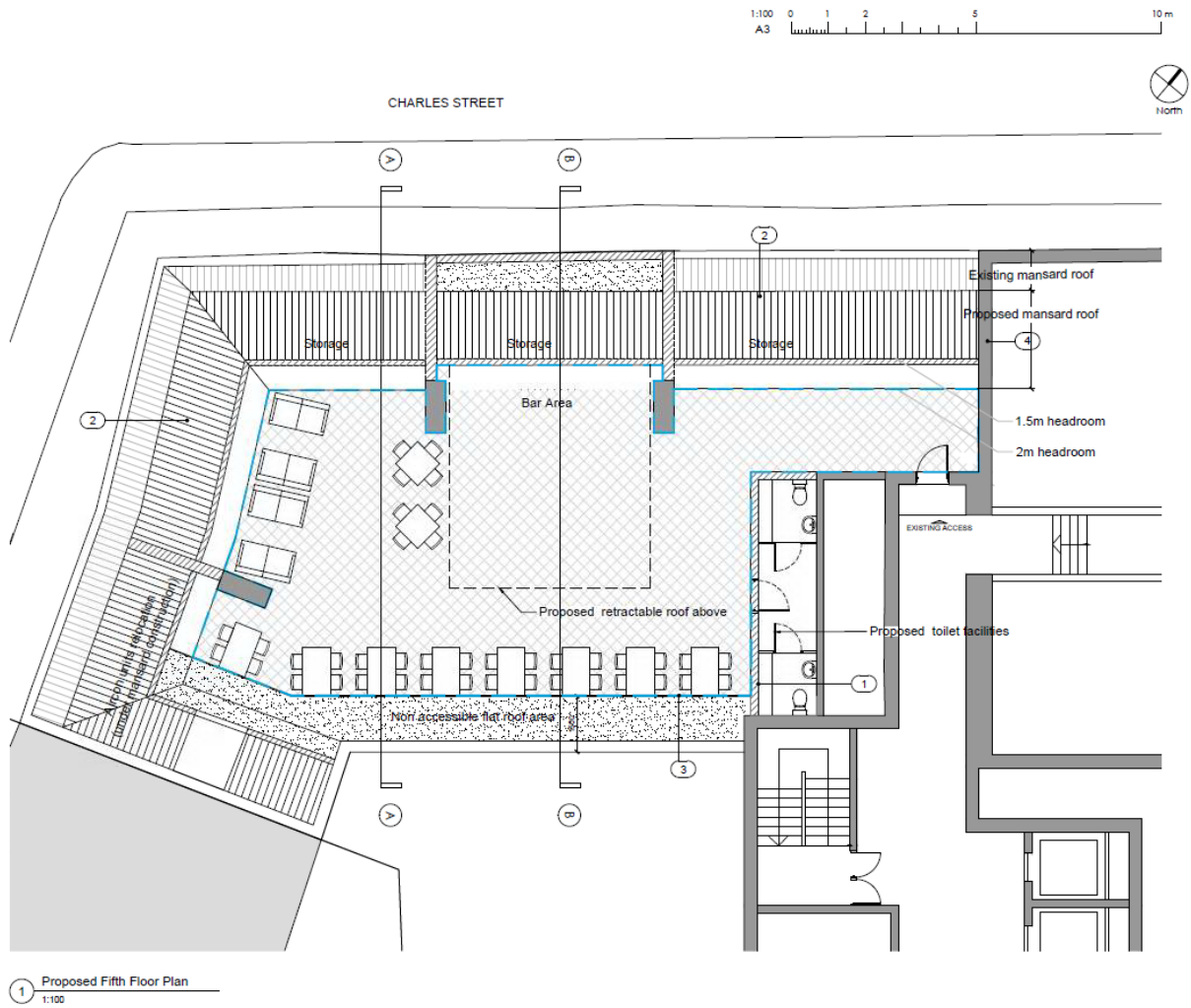
④ Proposed Queen Street Elevation  
1:200

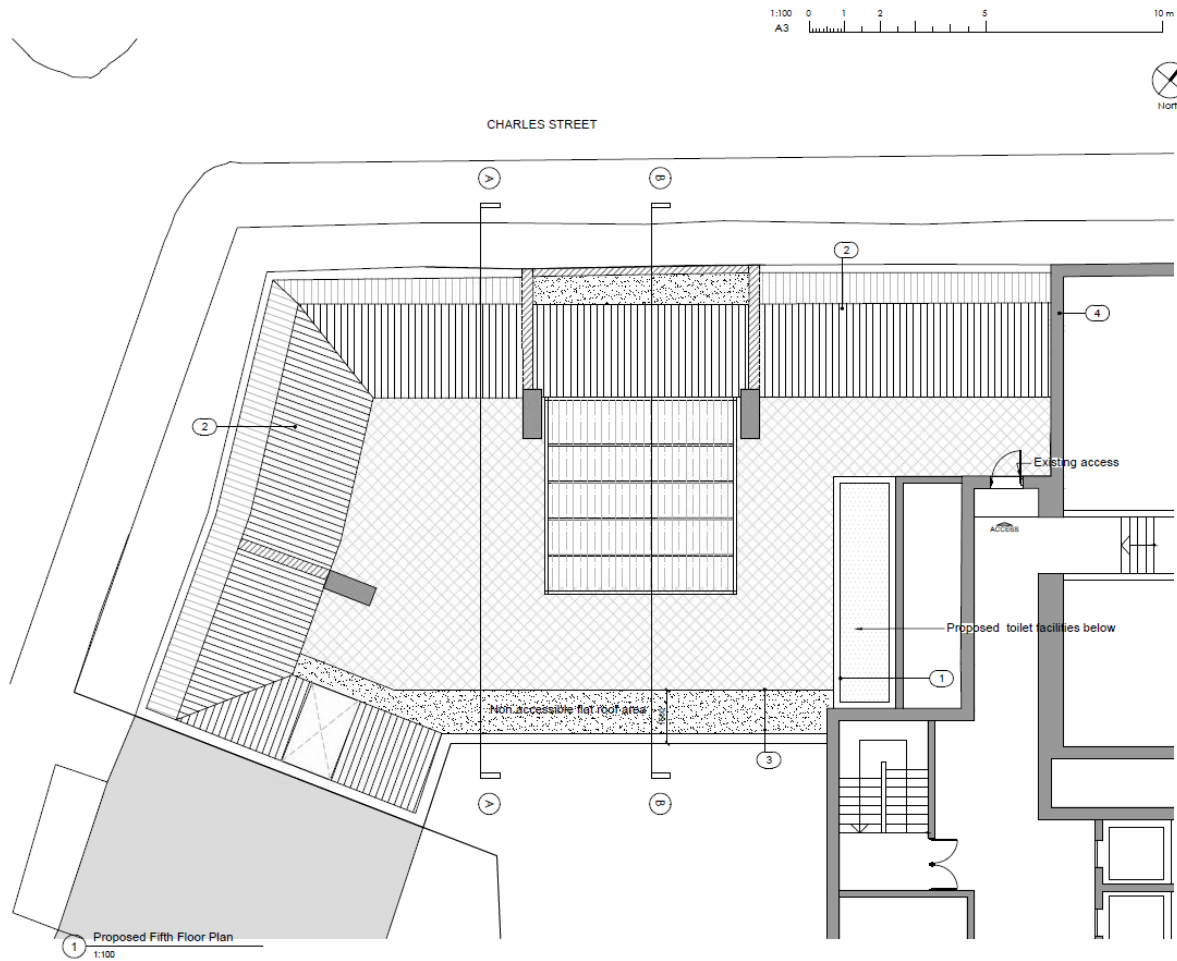
## Existing/Proposed Section AA



Existing roof/5<sup>th</sup> floor plan



Proposed 5<sup>th</sup> floor plan

**Proposed roof plan**



**DRAFT DECISION LETTER**

**Address:** 34-36 Charles Street, London, W1J 5EB,

**Proposal:** Erection of roof enclosure to convert part of the existing 5th floor level flat roof into a roof bar and terrace and extension at fifth floor level onto existing flat roof all in connection with existing hotel (Class C1). Relocation of existing air conditioning units to within new roof enclosure.

**Reference:** 17/04745/FULL

**Plan Nos:** 867 DG XX04 Rev. B ; 867 DG 05 01 Rev. E ; 867 DG XX01 Rev. E ; 867 DG XX03 Rev. C ; 867 DG 0R01 Rev. B ; 867 DG XX02 Rev. D

**Case Officer:** Adam Jones

**Direct Tel. No.** 020 7641 1446

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in 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 The hereby approved roof top bar and terrace shall only be for use by guests of the associated hotel.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE2 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 5 Guests of the hotel shall only be permitted to use the roof top bar and terrace between the hours of 10:00-23:00 daily.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE2 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 6 You must not allow more than 60 guests onto the roof top bar and terrace at any one time.

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE2 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 7 You must not play live, recorded or amplified music on the roof top bar and terrace

Reason:

We cannot grant planning permission for unrestricted use in this case because it would not meet TACE2 of our Unitary Development Plan that we adopted in January 2007. (R05AB)

- 8 You must apply to us for approval of detailed drawings of the following parts of the development -  
i) the retractable roof; ii) the roof terrace railings. You must not start any work on these parts of the development until we have approved what you have sent us.

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 4 of our Unitary Development Plan that we adopted in

January 2007. (R26CD)

- 9 The proposed roof slates and roof terrace balustrade must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in 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)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair 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 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).

- 3 You will have to apply separately for a licence for any structure that overhangs the road or pavement. For more advice, please phone our Highways section on 020 7641 2642. (I10AA)
- 4 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
- 5 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.
- \* Window cleaning - where possible, install windows that can be cleaned safely from within the building.
  - \* Internal atria - design these spaces so that glazing can be safely cleaned and maintained.
  - \* Lighting - ensure luminaires can be safely accessed for replacement.
  - \* Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).
- More guidance can be found on the Health and Safety Executive website at [www.hse.gov.uk/falls/index.htm](http://www.hse.gov.uk/falls/index.htm).

Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)

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

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 3 October 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	23 Meard Street and 74 Wardour Street, London W1F 0EL		
Proposal	Use of the ground and basement floors of 23 Meard Street as retail (Class A1) in association with the existing retail unit at 74 Wardour Street to include the installation of a ground floor frontage to 23 Meard Street including new emergency and disabled access door and internal openings between 74 Wardour Street and 23 Meard Street.		
Agent	Lipton Plant Architects		
On behalf of	Consulco		
Registered Number	17/06840/FULL + 17/06841/LBC	Date amended/ completed	1 August 2017
Date Application Received	1 August 2017		
Historic Building Grade	Grade II (74 Wardour Street)		
Conservation Area	Soho		

## 1. RECOMMENDATION

Grant conditional planning permission and listed building consent.

## 2. SUMMARY

23 Meard Street is an unlisted building in the Soho Conservation Area, within the designated Core Central Activities Area, the West End Stress Area and the West End Special Retail Policy Area. The property comprises of basement, ground and first to third floor levels. The entire property is in use as office accommodation (Class B1). The adjacent property to the west is 74 Wardour Street which is Grade II listed and is currently in use as retail accommodation at basement and ground floor levels with residential flats (Class C3) on the upper floors of the building. The property to the east at 21 Meard Street was recently granted permission to be converted from office accommodation to a single family dwellinghouse (Class C3).

Planning permission is sought for the change of use of the basement and ground floors of 23 Meard Street to retail use in association with the existing retail at 74 Wardour Street, with internal openings proposed at basement and ground floor levels between the two properties. Permission is also sought for the installation of a new door at ground floor level to 23 Meard Street for use as a disabled entrance and emergency exit to the restaurant use.

The key issues are:

- The impact of the proposed use on the amenity of nearby sensitive occupiers.
- The installation of a new door serving the retail accommodation on Meard Street.

The loss of the existing office accommodation at basement and ground floor levels in 23 Meard Street to facilitate an extension of the existing retail unit at 74 Wardour Street is considered acceptable in this instance given that it is being converted to another commercial use. The proposal is also considered acceptable in land use, transport, design and conservation, and amenity terms and with regard the amenity of nearby residential occupiers, subject to appropriate safeguarding conditions. The internal works proposed would also not harm the special interest of 74 Wardour Street. For these reasons, the applications are recommended for conditional approval, being in compliance with the relevant Unitary Development Plan (UDP) and City Plan policies.

### 3. LOCATION PLAN



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

#### 4. PHOTOGRAPHS







## 5. CONSULTATIONS

### HISTORIC ENGLAND

Do not consider it necessary to have been consulted.

### SOHO SOCIETY

Objection to the conversion of office accommodation to retail in this significant Soho street of heritage.

### HIGHWAYS

No objection subject to conditions.

### CLEANSING

No objection subject to conditions.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 79

Total No. of replies: 2

No. of objections: 2

No. in support: 0

Objections on the following grounds:

- Noise nuisance from the proposed door to Meard Street.
- Loss of office accommodation.
- Concerns relating to noise output from potential plant items.
- Commercialisation of a residential street with a resulting increase in footfall.
- Creation of a large retail unit which is uncharacteristic of the area.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

23 Meard Street currently has lawful use as office accommodation across basement, ground and first to third floor levels. 74 Wardour Street was in use as restaurant accommodation but earlier in the summer a Ben and Jerry's ice cream shop opened in the premises which operated as a retail unit (Class A1) and it is considered the use of the ground and basement floors is now as retail accommodation (having changed under permitted development rights). There are residential flats on the upper floors of the property. Whilst 74 Wardour Street is a Grade II listed property, 23 Meard Street is unlisted with both properties located within the Soho Conservation Area, Core Central Activities Zone, West End Special Retail Policy Area and the designated West End Stress Area. Plant has been previously granted approval at main roof level on 74 Wardour Street in association with the commercial premises.

Planning and listed building consent applications were recently submitted for, 'Use of the ground and basement floors of 23 Meard Street as a restaurant (Class A3) in association

with the existing restaurant unit at basement and ground floor levels of 74 Wardour Street and installation of a new disabled access door to Meard Street'. These applications were withdrawn before determination as, subsequent to the applications being submitted but prior to determination, the premises at 74 Wardour Street had changed use under permitted development rights to a retail unit. As such, it was not possible to determine an application to extend a use that no longer existed.

## 6.2 Recent Relevant History

### 23 Meard Street –

Planning and listed building consent applications were withdrawn on the 1<sup>st</sup> August 2017 for the 'Use of the ground and basement floors of 23 Meard Street as a restaurant (Class A3) in association with the existing restaurant unit at basement and ground floor levels of 74 Wardour Street and installation of a new disabled access door to Meard Street.' As detailed above the applications were withdrawn as the use of the ground and basement of 74 Wardour Street had changed under permitted development rights to a retail use.

### 74 Wardour Street –

Planning permission and listed building consent were granted on the 20th July 2014 for, 'Installation of a high level extract duct to be routed through the property to terminate at main roof level; installation of plant and removal of a skylight at main roof level. Removal of a grille at third floor level on the Meard Street elevation of the property.'

### 21-23 Meard Street –

Planning permission and listed building consent were granted on the 4<sup>th</sup> July 2017 for the 'Use of 21 Meard Street as a dwellinghouse (Class C3) and associated internal alterations. (Application relates to 21 Meard Street only)'

Planning permission and listed building consent were granted on the 9<sup>th</sup> November 2016 for, 'Installation of a new shopfront and additional entrance door.'

## 7. THE PROPOSAL

### Land Use Table:

	Existing GIA (sqm)	Proposed GIA (sqm)	+/-
Office	110	0	-110
Retail	128	238	+110
<b>Total</b>	<b>238</b>	<b>238</b>	<b>0</b>

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

#### Loss of office use

The City Council does not have any policies seeking the protection or retention of general office accommodation in the Core CAZ where the proposed change of use is to another

commercial activity, as is the case in this instance. An objection has been received to the application with regard the loss of office accommodation resulting from the proposal but there is no policy basis to reject the proposal on these grounds and the objection to this aspect of the application is not therefore considered sustainable.

### **Proposed retail use**

The proposal results in an increase in the size of the existing retail unit from 128m<sup>2</sup> to 238m<sup>2</sup>. The application site is located within the Core Central Activities Zone and the West End Special Retail Policy Area and the proposed increase in retail floor space accords with the stipulations of Policy SS4 of the UDP and Policies S6, S7 and S21 of the City Plan which seek to direct retail growth to the designated Shopping Centres, to maintain and enhance the unique status and offer of the West End Special Retail Policy Area and identifies the Core CAZ as a suitable location for new retail accommodation.

Objections have been received to the application from residents in Meard Street concerned at the impact of the application on the character of the street, which they consider should remain predominantly residential. Whilst these concerns are noted, the lawful use of the entire building at 23 Meard Street is commercial office accommodation and the proposal is for an extension to an existing lawful retail unit (74 Wardour Street) with the main entrance to the extended retail unit being retained on Wardour Street. The Meard Street property is also entirely opposite the side wall to a restaurant unit (Wahaca) on the opposite side of Meard Street (again accessed from Wardour Street). For these reasons the objections on these grounds are not considered sustainable and the application could not be reasonably refused on these grounds.

An objection has been received with regard the proposed size of the retail unit which the objector considers is uncharacteristically large for the area. The proposed unit is 248m<sup>2</sup>, spread equally over the ground and basement floors. This is not considered especially large when compared to other units in the vicinity and is certainly not a 'large scale retail development' for the purposes of City Plan Policy S6. The objection on these grounds is not therefore considered sustainable.

## **8.2 Townscape and Design**

The proposal seeks to make internal physical alterations to both buildings. The alterations requiring listed building consent are limited to new modest openings being made in the adjoining party wall at ground and basement and the removal of modern commercial kitchen equipment and associated fixtures and fittings. The proposals are considered modest and are acceptable in listed building and design / conservation terms. The proposed internal alterations to 23 Meard Street do not require consent / permission whilst the external alterations, in the form of a new shopfront and entrance door, are acceptable in design and conservation terms and have been recently granted permission / consent under separate permissions in 2016 (although these consents have not been implemented).

The proposals are considered acceptable in design terms and accord with the Council's 2007 UDP specifically Policies DES 9 and DES 10.

### 8.3 Residential Amenity

As set out above, planning permission and listed building consent were previously granted on 9 November 2016 for the installation of a new shopfront and entrance door to 23 Meard Street. Permission is again sought for the installation of the new shopfront with additional entrance door to the unit to serve the extended retail use as disabled access and an emergency fire escape. The existing main entrance from Wardour Street is stepped and alterations to make this level would be complex with implications for the floors and ceilings in the listed building. Objections have been received from residential occupiers within Meard Street concerned about the installation of the door and the potential use as general access to the restaurant unit. A condition is imposed stating it can only be used for disabled access and in the event of an emergency and is not to be left open at any other time. The applicant has been made aware of the issue and agreed to the imposition of this condition. With this safeguarding condition in place it is not considered the door would result in any detrimental impact upon residential amenity in Meard Street and the objections on these grounds are not considered sustainable.

Further an objector is concerned about the extension of retail floorspace along Meard Street, arguing that this would encourage additional footfall in the street which would detrimentally impact upon residential amenity with regard increased noise in the street and additional overlooking of peoples ground floor front windows. However, the application is to extend an existing retail unit and although the proposal includes the installation of a new ground floor frontage on Meard Street this would not allow general access to the property with the main entrance still being on Wardour Street. It is not therefore considered that the proposal would result in any increase in pedestrian footfall along Meard Street and the objection on these grounds is not considered sustainable.

### 8.4 Transportation/Parking

Policy TRANS20 of the UDP requires off-street servicing of commercial units where this can readily be provided. The proposed development does not include any off-street servicing, with the proposed unit to be serviced from the street in a similar fashion to the existing restaurant unit and surrounding businesses. The site is located within a Controlled Parking Zone and delivery vehicles will be subject to the existing single and double yellow lines in the vicinity which control the loading and unloading on the street. The largest regular service vehicle expected to be associated with this development in this location is the refuse collection vehicle. This will service this property in a similar fashion to the existing use and nearby properties.

The Highways Planning Manager has requested that a condition be attached to any planning approval requiring the submission of amended drawings to show the provision of cycle parking within the restaurant unit. However, it is not considered in this instance the provision of cycle parking would be practical as any staff members taking their cycle in or out of the premises would have to take it through the main customer seating area. A condition is not therefore proposed with regard the provision of cycle parking.

## 8.5 Economic Considerations

The economic implications of the change of use from office to retail floor space are likely to be neutral.

## 8.6 Access

It is not possible to provide disabled access from the main entrance to the restaurant off Wardour Street and therefore a new disabled access door is proposed from Meard Street which will provide level access to the restaurant unit. A disabled toilet will also be provided at ground floor level. These improvements to the disabled access are welcomed.

## 8.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling

The proposal did not indicate the provision of waste and recycling storage within the demise of the extended unit. The Cleansing Manager has requested the addition of a condition requiring the submission of amended drawings to show the provision of waste and recycling storage within the demise of the unit and a suitable condition is attached as requested.

Other

An objection referred to the potential for noise disturbance from plant associated with the retail unit. However, no plant is proposed as part of this application. There is existing plant which has been installed under a previous planning consent relating to the previous restaurant at 74 Wardour Street and the noise resulting from the operation of the plant will need to be compliant with the relevant conditions attached to this consent.

## 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. As the application is for a change of use without additional floor area, the proposal does not include a requirement for a CIL payment.

## 9. BACKGROUND PAPERS

1. Application form
2. Letter from the Soho Society dated 4 September 2017
3. Letter from Historic England dated 7 August 2017

4. Memorandum from the Highways Planning Manager dated 14 September 2017
5. Memorandum from the Cleansing Manager dated 17 August 2017
6. Letter from occupier of Second Floor, 13 Meard Street, dated 18 August 2017
7. Letter from occupier of 11 Meard Street, London, dated 22 August 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: MARK HOLLINGTON BY EMAIL AT [mhollington2@westminster.gov.uk](mailto:mhollington2@westminster.gov.uk)

10. KEY DRAWINGS

Existing Meard Street elevation -



Proposed Meard Street elevation –







**DRAFT DECISION LETTER**

**Address:** 23 Meard Street, London, W1F 0EL,

**Proposal:** Use of the ground and basement floors of 23 Meard Street as retail (Class A1) in association with the existing retail unit at 74 Wardour Street to include the installation of a ground floor frontage to 23 Meard Street including new emergency and disabled access door and internal openings between 74 Wardour Street and 23 Meard Street.

**Reference:** 17/06840/FULL

**Plan Nos:** Drawings: 474 1 1.002 RevB, 474 1 1.001 RevB, 474 1 2.001 RevA, 474 1 2.002 RevA, 474 1 3.001 RevA, 474 1 3.002 RevA.

**Case Officer:** Matthew Giles

**Direct Tel. No.** 020 7641 5942

**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:

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)

- 3 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 prior to the occupation of the floorspace, clearly mark the stores and

make them available at all times to everyone using the retail unit. (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)

- 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 Soho 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 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 Soho 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)

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

**Reason:**

In the interests of public safety and to avoid blocking the road as set out in 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)

- 7 The single door serving the retail unit on Meard Street is only to be used to provide access for disabled patrons. It is not to be used by other customers except in the case of an emergency and should not be kept open for any other purpose than providing access.

**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)

**Informative(s):**

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan

(November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

- 2 Please contact our Cleansing section on 020 7641 7962 about your arrangements for storing and collecting waste. (I08AA)
- 3 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)

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

**DRAFT DECISION LETTER**

**Address:** 74 Wardour Street, London, W1F 0TE,

**Proposal:** Internal alterations at lower ground and ground floor levels to include the creation of new openings between 74 Wardour Street and 23 Meard Street.

**Reference:** 17/06841/LBC

**Plan Nos:** Drawings: 474 1 1.002 RevB, 474 1 1.001 RevB, 474 1 2.001 RevA, 474 1 2.002 RevA, 474 1 3.001 RevA, 474 1 3.002 RevA.

**Case Officer:** Matthew Giles

**Direct Tel. No.** 020 7641 5942

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

**Reason:**

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph Soho of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

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

**Reason:**

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

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

**Reason:**

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 5 You must apply to us for approval of detailed drawings (scale 1:20 and 1:5) of the following parts of the development - all new openings in party walls. You must not start any work on these parts of the development until we have approved what you have sent us., , You must then carry out the work according to these approved details. (C26DB)

**Reason:**

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

**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 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.
- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes: \* any extra work which is necessary after further assessments of the building's condition; \* stripping out or structural investigations; and, \* any work needed to meet the building regulations or other forms of statutory control. Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents. It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

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

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 03 October 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	5 Bourlet Close, London, W1W 7BL		
Proposal	Demolition of existing mansard roof, and erection of new second floor and new mansard roof with rear roof terrace and privacy screen, excavation of new basement level, replacement windows and garage doors to front elevation and new windows to rear elevation and associated works; all to extend and alter dwellinghouse (Class C3).		
Agent	Montagu Evans		
On behalf of	Central Securities Ltd		
Registered Number	17/06046/FULL	Date amended/ completed	14 July 2017
Date Application Received	7 July 2017		
Historic Building Grade	Unlisted		
Conservation Area	East Marylebone		

## 1. RECOMMENDATION

Grant conditional planning permission subject to no substantive additional issues being raised within 21 days of the requisite notice of the application being served up other owner(s) of the application site.

## 2. SUMMARY

The application site is an unlisted single family dwelling (Class C3) located in the East Marylebone conservation area. It is located at the southern, return end, of Bourlet Close. Planning permission is sought to allow demolition of the existing mansard roof, erection of a new sheer second floor and mansard roof with rear roof terrace and privacy screen to create a new third floor. Excavation of a new basement level, replacement windows and garage doors to the front elevation are also proposed with new windows to the rear elevation and associated works.

The key issues for consideration are:

- The impact of the proposals upon the amenity of neighbouring residential properties, and
- The acceptability of the proposals upon the appearance of the building and the character and appearance of the conservation area.

Subject to conditions securing small amendments to the proposal, the design is considered to be acceptable. While there are some losses in sunlight to one of the surrounding properties, it is not considered that this will be materially harmful to the amenity of the occupant. There are also losses in

daylight that are likely to be noticeable; however, the rooms affected are bedrooms and the losses are modest. The proposed basement is considered to be acceptable and in compliance with the relevant sections of the basement policy. The proposal is recommended for approval subject to no substantive additional issues being raised within 21 days of the requisite notice of the application being served up other owner(s) of the application site.



## 3. LOCATION PLAN



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

#### 4. PHOTOGRAPHS



## 5. CONSULTATIONS

### FITZROVIA NEIGHBOURHOOD ASSOCIATION

Any response to be reported verbally

### HIGHWAYS PLANNING

No objection subject to conditions

### ENVIRONMENTAL HEALTH

No objection subject to conditions

### BUILDING CONTROL

No objection

### ADJOINING OWNERS AND OCCUPIERS:

No. consulted: 25

No. responded: 2

One neutral comment has been received requesting further discussion on the light issues. The person was contacted by the case officer but not further replies were received.

One objection has been received on the grounds of loss of light and right to light

SITE AND PRESS NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site is an unlisted building in the East Marylebone conservation area. The property comprises of ground, first and second floors and is a single family dwelling (Class C3). It is located at the southern end of Bourlet Close.

### 6.2 Recent Relevant History

Permission was granted on 17 March 1995 (RN: 95/00806/FULL) for the change of use from offices to one 3 bedroom mews house with integral garage and a new mansard roof extension.

Permission was granted at No.4 Bourlet Close on 7 December 2016 (RN: 16/09749/FULL) which allowed substantial demolition behind the retained front and side facades, the erection of a mansard roof extension, an extension at rear first and second floor level and a side extension at second floor level, demolition of rear infill extension in connection with the use of the building as six residential flats (Class C3). This permission is currently being implemented.

## 7. THE PROPOSAL

Permission is sought to allow the demolition of the existing mansard roof, and the erection of a new sheer second floor in matching brickwork and the creation of a new third floor in the form of a new mansard roof with rear roof terrace and privacy screen. Excavation of a new basement level is also proposed, as is the installation of replacement windows and garage doors to the front elevation and new windows to the rear elevation. These extensions and alterations are in connection with the continued use as a single family dwelling (Class C3).

	Existing GIA (sqm)	Proposed GIA (sqm)	Increase GIA (sqm)
Single Family Dwelling (Class C3)	111	181	+70

## 8. DETAILED CONSIDERATIONS

### 8.1 Land Use

The application will result in an increase in residential floorspace of 70sqm (GIA) as a result of the proposed basement and new third floor mansard roof extension. The increase in residential floorspace to extend the existing residential property is considered acceptable in landuse terms and is compliant with Policy H3 of the UDP and Policy S14 of the City Plan, both of which seek to increase the residential floorspace within Westminster.

### 8.2 Townscape and Design

5 Bourlet Close is identified in the East Marylebone Conservation Area Audit as an Unlisted Building of Merit and a building on which an upward extension is unlikely to be acceptable. The building is a traditional mews building with a variety of window and door openings, including small carriage doors at ground floor level and a winch door (and winch bracket) at first floor. The existing second floor is a mansard roof extension which was granted consent in 1995. 5 Bourlet Close, as the end building in the mews, is the focus of axial views down the mews.

#### **Additional Storey:**

The principle of the additional story on this building is acceptable, despite the designation in the audit. The increased height in many of the other buildings in the mews (which postdate the drafting of the audit), along with the screening of some unsightly development to the rear of No.5, mitigate against what would otherwise be overdevelopment of a traditional mews building. The proposed form and materials are traditional, with window openings appropriately sized and located.

The frosted glass screen to the roof terrace is very large and a smaller screen would be welcomed in design terms however; a smaller one would not serve to protect surrounding residents from overlooking. It is not considered it would be reasonable to withhold permission on these grounds.



**Ground Floor:**

The ground floor seeks an increase in the size of the carriage doors, which are presently relatively small. This increase in size is considered to be acceptable, as is the replacement of the front door. A condition should be added to ensure that the both the garage door and front door are of painted timber.

**Rear Windows:**

The reopening of the rear windows is acceptable in design terms. A condition is recommended requiring the submission of detailed drawings for the City Council's approval.

**First Floor Openings, Front Elevation:**

Notwithstanding the drawings of the front elevation, a condition should require the redesign of the proposed Juliet balcony and winch bracket. The winch bracket should be positioned above the winch door opening (unless a swinging arm is proposed), and the Juliet balcony should be a traditional metal design, and not glass. An amending condition is proposed to address this issue.

**Basement:**

The proposed basement raises no design issues, other than how the existing fabric will be supported during the building works. Additionally an assessment of the archaeological potential in under the site will need to be submitted to the Council in line with the basement policy and The Greater London Archaeological Priority Area Guidelines.

Subject to the above conditions, the application is considered acceptable in design and conservation terms.

**8.3 Residential Amenity****Sunlight and Daylight:**

Policy S29 of the City Plan aims to improve the residential environment of Westminster whilst UDP Policy ENV13 aims to protect and improve residential amenity, including sunlighting and daylighting to existing properties. In implementing Policy ENV13 the advice of the Building Research Establishment (BRE) with regard to natural lighting values is used.

Under the BRE guidelines the amount of daylight received to a property may be assessed by the Vertical Sky Component (VSC) which is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the window will have the potential to provide good levels of daylight. The guidelines also suggest that reductions from existing values of more than 20% should be avoided as occupiers are likely to notice the change.

In terms of sunlight, the BRE guidance states that if any window receives more than 25% of the Annual Probable Sunlight Hours (APSH where the total APSH is 1486 hours in London), including at least 5% during winter months (21 September to 21 March) then the room should receive enough sunlight. If the level of sunlight received is below 25% (and 5% in winter) and the loss is greater than 20% either over the whole year or just during

winter months, then the loss would be noticeable. Only those windows facing within 90 degrees of due south require testing.

One objection has been received with regards to the impact on daylight and sunlight from No.6A Bourlet Close. A neutral comment relating to the issue was also received from No.6 Bourlet Close.

A daylight and sunlight report (in accordance with the Building Research Establishment – BRE – Guidelines) has been submitted in support of the application. This details the impact of the proposed roof extension at the application site on surrounding windows at Nos. 4 and 6A Bourlet Close. The approved development which is currently under construction at No.4 Bourlet Close has been assessed.

The report demonstrates that most windows will experience only small losses in daylight. Two windows experience losses in VSC in excess of the 20% threshold identified by BRE above which losses in daylight are noticeable. These are 24.79% and 22.14% losses.

The window which experiences the 24.79% loss in VSC is at the second floor No.4 Bourlet Close, immediately next to the application site, and will serve a bedroom of one of the flats currently under construction. The loss experienced to this window is considered acceptable in this instance as bedrooms are considered to have less sensitive to losses of light than other habitable rooms and the window will retain a reasonable level of VSC (19.05%).

The window which experiences the 22.14% loss in VSC is at No.6A Bourlet Close. This window also serves a bedroom and will also retain a reasonable level of VSC (19.59%). On the same basis, the impact is also considered to be minor enough that the proposal would not materially worsen the living conditions of the neighbouring residential accommodation.

The daylight and sunlight report also demonstrates that there will be some material losses in both sunlight during the year (APSH) and during the winter months. The largest of these losses are at the three first floor windows of No.6A Bourlet Close; all of which serve an open plan living/kitchen/dining room. Unsurprisingly given the very close proximity of the window to the boundary of the site, the smallest window is predicted to see a loss of 60.0% APSH. The central window is predicted to see a loss of 55.0% APSH. The largest, full height window, is predicted to see more modest losses of 22.7% APSH and all of its winter sunlight (albeit the existing winter sunlight is already very low at 2%). Whilst the losses to the smaller two windows are significant, the predicted losses to the largest window that provides most of the sunlight to the room window only just exceeds the 20% threshold above which it is noticeable. Whilst this room will receive noticeably less sunlight, it is not considered that this loss will be materially harmful to the amenity of the occupiers of this residential unit. This is particularly the case as the retained daylight to this room is reasonable given the site's context.

There is also a material loss in winter sunlight to a window on the second floor of the same property, predicted to lose 72.7% of winter sunlight. However, this is one of two windows serving a bedroom, the other of which is not materially affected. Bedrooms are identified within the BRE Guide (2011) as being less important. Furthermore, whilst the losses experienced during winter months are above the figures identified by the BRE guidelines,

the remaining overall APSH are still in excess of BRE guidelines (37%), which is excellent for an urban environment such as this.

The proposed development will lead to a partial obstruction of a dormer window at the approved development at No.4 Bourlet Close. The window at No.4 is set back from the boundary between the properties by virtue of it being situated in the mansard roof. The proposed dormer window at No.5 will partially obscure about half of the window at No.4 (when viewed in section). This window has been assessed as part of the daylight and sunlight report submitted and has been found to be compliant with BRE guidelines with the proposal in place. Additionally, as this window serves an open plan, quad-aspect, living/kitchen/dining room, the impact of the proposed dormer being in proximity to the window at No.4 is considered acceptable.

The report demonstrates that, whilst the proposed development will not be fully compliant with the BRE guidance, the number and quantum of the shortfalls will not result in unreasonable residual levels of daylight and sunlight amenity within any of the neighbouring residential premises. As a result the objection on these grounds cannot be upheld.

#### **Sense of Enclosure and Overlooking:**

With regards to the dormer window at No.4, identified above, it is not considered that the proposed works at No.5 will have a detrimental impact with regards to sense of enclosure to this window. As identified above, this is one of a number of windows serving the room. Additionally, there will be a distance of 1.6m between the proposed dormer at No.5 and the dormer at No.4.

Council records indicate that the building directly to the rear of the application site is in commercial use. The proposed rear terrace will overlook this building and also an existing terrace/amenity space at the rear of No.6 Bourlet Close. The proposed privacy screen is considered to be of a sufficient height and design (obscure glazed) to protect the existing terrace/amenity space at No.6 from any significant increase in overlooking from the new terrace.

#### **Rear Elevation Windows:**

The proposal includes a number of windows to the rear elevation of the building, in replacement of old windows which have been bricked up. This elevation is also the boundary of the site. These windows are considered to be "bad neighbours" as light and ventilation to these rooms could be wholly derived from the neighbouring site. In order to ensure that the window do not prejudice the development potential on neighbouring sites, an informative is recommended advising the application that these windows will be afforded no protection by the City Council in the event that the site to the rear is redeveloped in the future.

## **8.4 Transportation/Parking**

The Highways Planning Manager has assessed the application and raised no objection subject to conditions. These will secure the proposed car parking space and ensure the

garage doors do not open over the highway. As the proposal does not represent an increase in residential units, it is not considered necessary to require details of cycle storage. The application is considered acceptable in highways terms subject to the above conditions.

#### **8.5 Economic Considerations**

Not applicable

#### **8.6 Access**

Access arrangements will remain unchanged.

#### **8.7 Other UDP/Westminster Policy Considerations**

##### **Plant:**

An acoustic support was submitted in support of the application which was assessed by Environmental Health. They have confirmed that the proposed plant (located in the basement) is likely to comply with Westminster noise criteria. It is not considered that enclosures will be required for acoustic reasons due to the location of the equipment. The Environmental Health Officer has requested that a supplementary acoustic report be submitted as no details of the specific plant equipment or the location of the intake / extract points have been provided at this stage.

##### **Refuse /Recycling:**

The proposal does not represent any increase in residential units, it is not considered necessary to require details of waste storage to be submitted.

#### **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.

#### **8.11 Environmental Impact Assessment**

Not applicable



## 8.12 Other Issues

### Basement:

The proposed basement development is compliant with the City Plan policy on basement development (Policy CM28.1). The policy requires that basement developments to residential buildings not extend beneath more than 50% of the garden land of the original building (as the building stood on 01st July 1948). As the application site occupies the entirety of its site, it would not be considered that there was any garden land on the application site. As a result, the associated parts of the policy (soil depth, landscaping etc.) are not considered relevant to this application.

Building Control have assessed the proposed basement, the accompanying structural method statement, the method of construction, underpinning and safeguarding of the neighbouring sites and confirmed that these are acceptable. They have confirmed that an investigation of existing structures and geology has been undertaken and found to be of sufficient detail. The existence of groundwater, including underground rivers, has been researched and the likelihood of local flooding or adverse effects on the water table has been found to be negligible. The Building Control Officer raised concern regarding means of escape from the upper floors and the basement however; this is not considered a planning issue and is dealt with under Building Regulations. An informative is recommended alerting the application to this potential issue.

The applicants have submitted the required Appendix A to indicate their compliance with the Code of Construction Practice. The proposed basement is compliant with all other relevant elements of the policy and considered acceptable.

## 9. BACKGROUND PAPERS

1. Application form
2. Response from Highways Planning, dated 7 August 2017
3. Response from Building Control, dated 19 September 2017
4. Response from Environmental Health, Plant And Equipment, dated 7 August 2017
5. Letter from occupier of 6A Bourlet Close, London, dated 23 August 2017
6. Letter from occupier of 6 Bourlet close, London, dated 7 August 2017

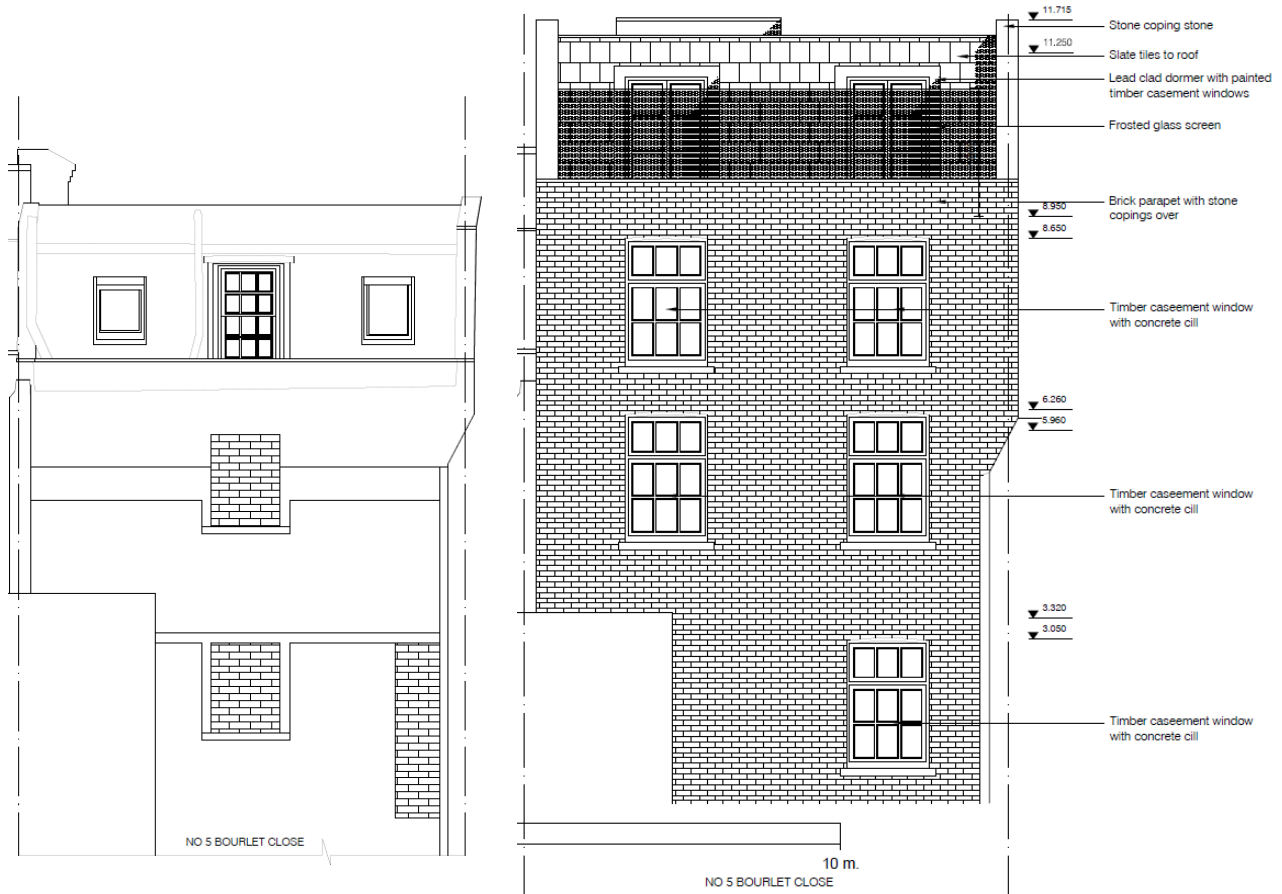
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

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

## 10. KEY DRAWINGS

## Existing (Left) and Proposed (Right) Front Elevation



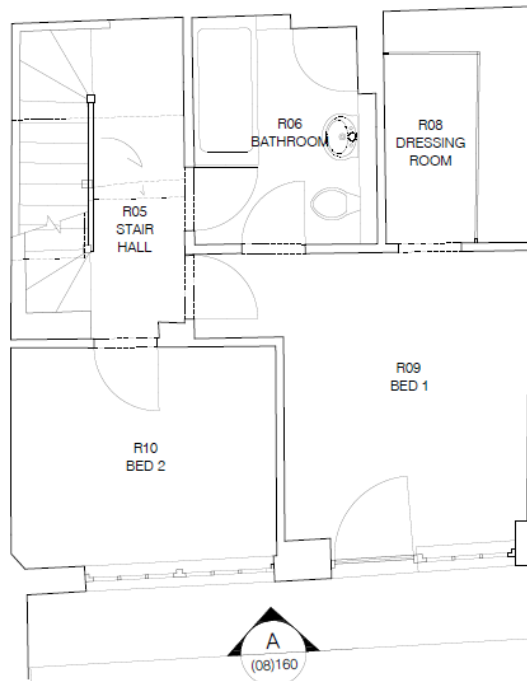
**Existing (left) and Proposed (Right) Rear Elevation**

## Existing (top) and Proposed (bottom) Ground Floor Plans



**Existing (top) and Proposed (bottom) First Floor Plans**

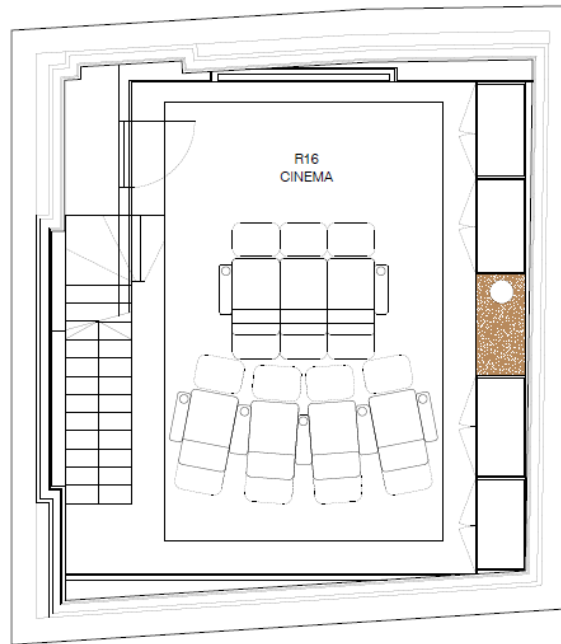
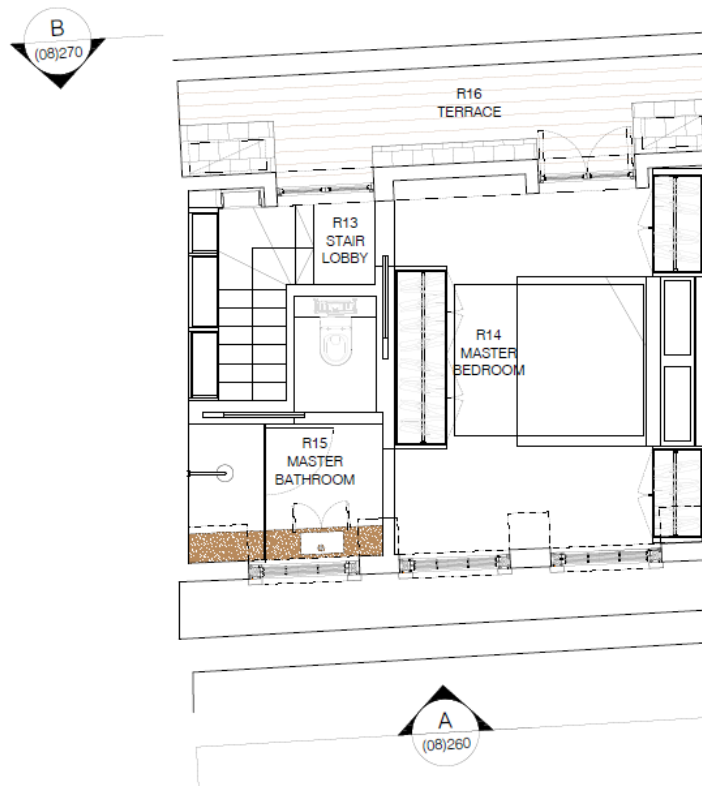
B  
(08)170

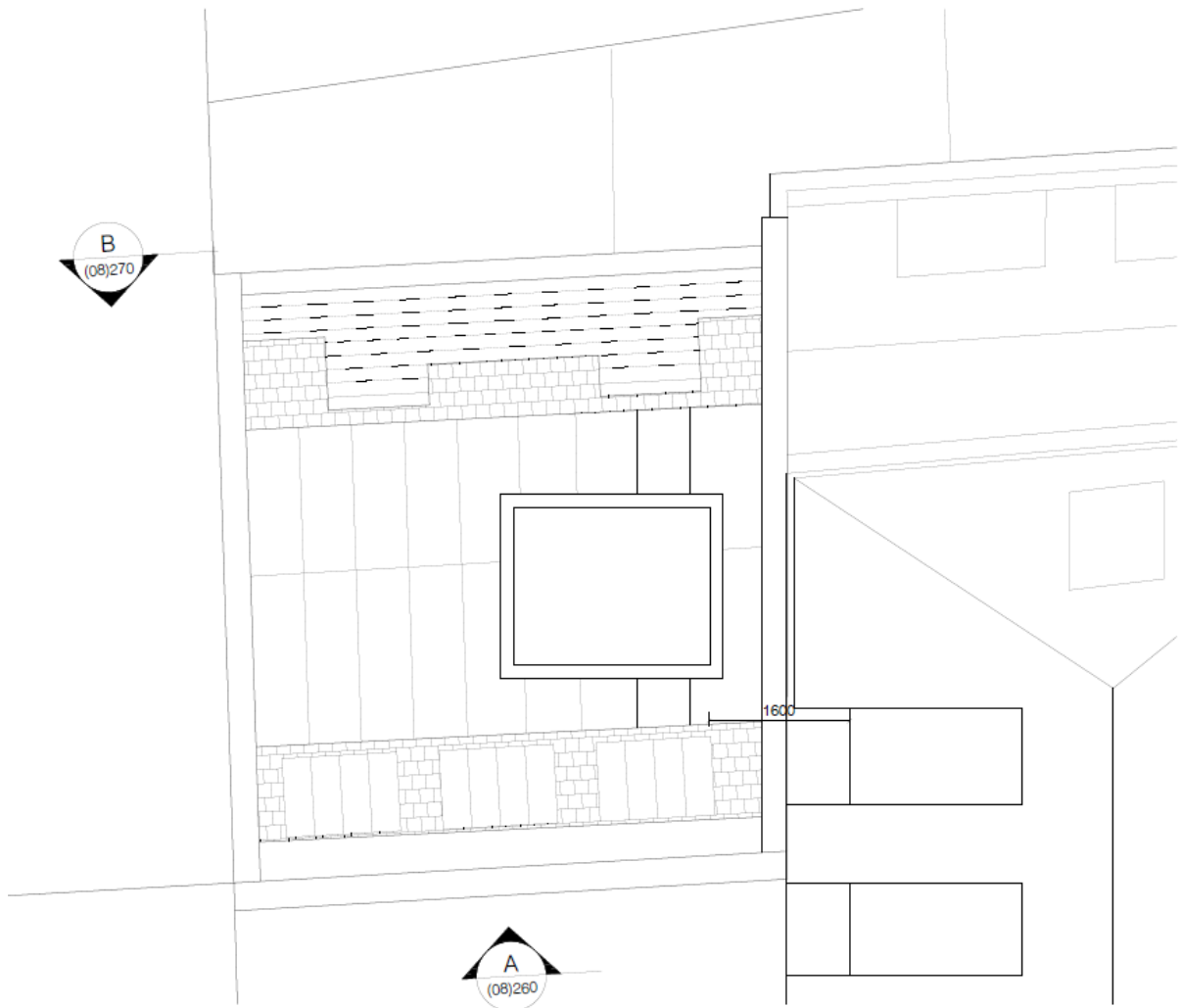


B  
(08)270

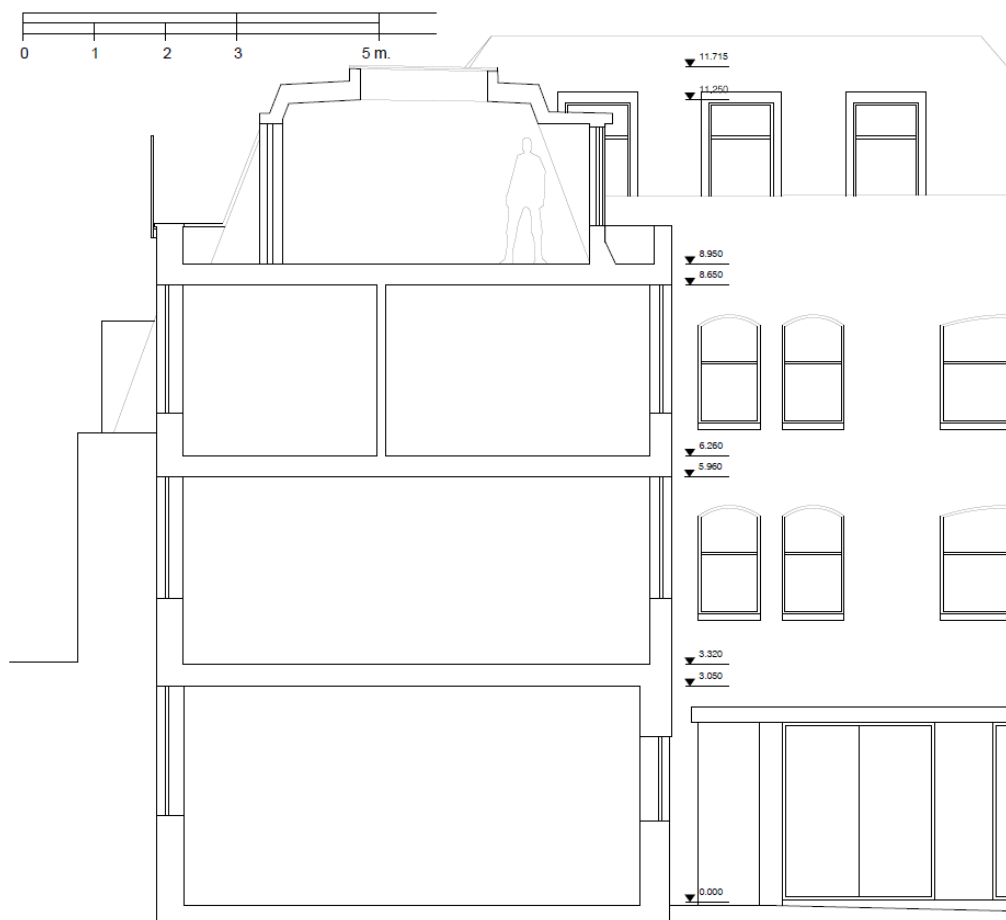


**Existing (top) and Proposed (bottom) Second Floor Plans**

**Proposed Basement Floor Plan****Proposed Third Floor Plan**

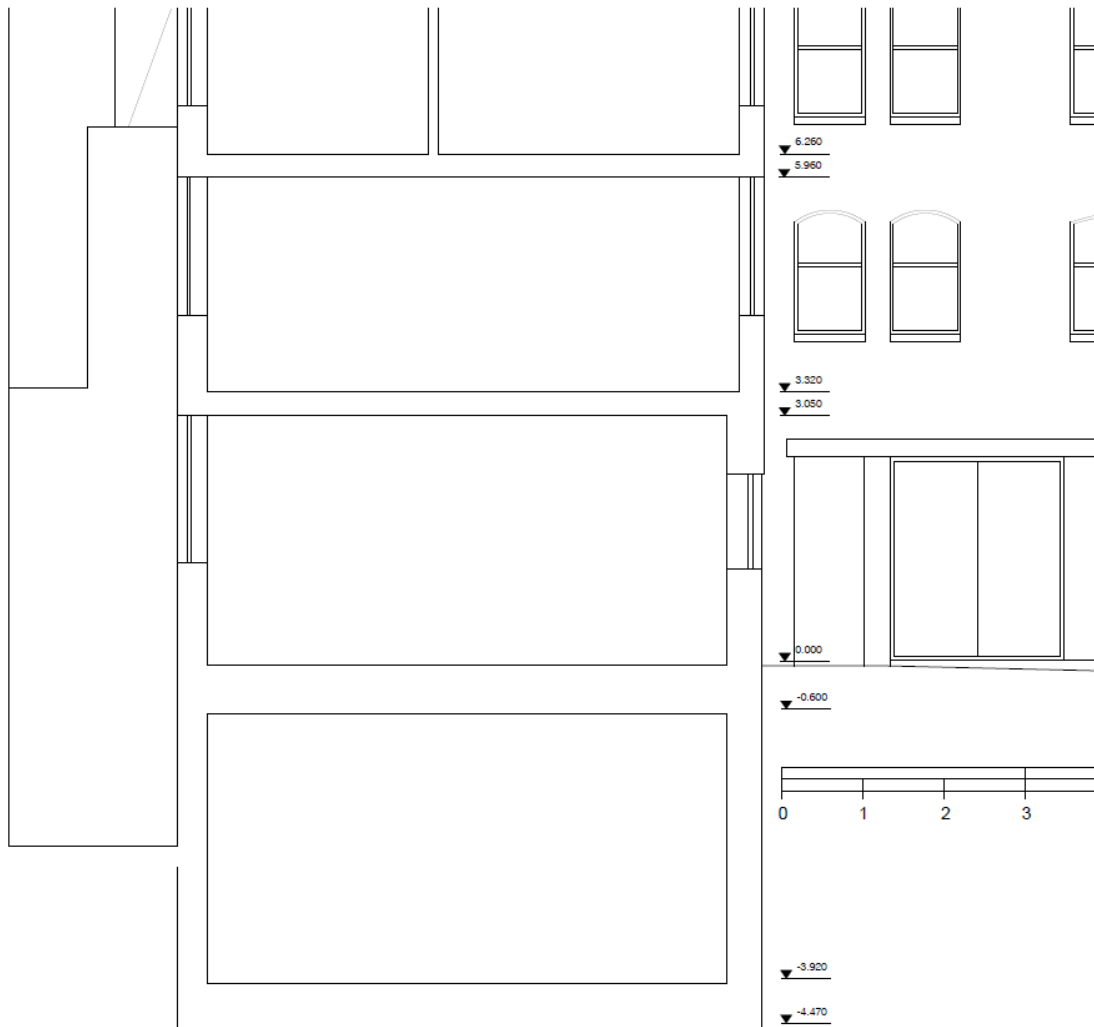
**Proposed Roof Plan**



**Proposed Cross Section (upper)**

PROPOSED TYPICAL CROSS SECTION

Scale: 1:50 @ A3

**Proposed Cross Section (lower)**PROPOSED TYPICAL CROSS LOWER SECTION

Scale: 1:50 @ A3

[illegible]

**DRAFT DECISION LETTER**

**Address:** 5 Bourlet Close, London, W1W 7BL

**Proposal:** Demolition of existing mansard roof, and erection of new second floor and new mansard roof with rear roof terrace and privacy screen, excavation of new basement level, replacement windows and garage doors to front elevation and new windows to rear elevation and associated works.

**Reference:** 17/06046/FULL

**Plan Nos:** 200 Rev. P3 ; 210 Rev. P2 ; 220 Rev. P2 ; 230 Rev. P2 ; 240 Rev. P2 ; 260 Rev. P4 ; 270 Rev. P4 ; 280 Rev. P2 ; 290 Rev. P3 ; 291 Rev. P1

**Case Officer:** Adam Jones

**Direct Tel. No.** 020 7641 1446

**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 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 East Marylebone 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 (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.

- 5 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 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.

- 6 You must apply to us for approval of details of a supplementary acoustic report demonstrating that the plant will comply with the Council's noise criteria as set out in Condition 4 of this permission. You must not start work on this part of the development until we have approved what you have sent us.

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 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.

- 8 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)

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

Reason:

In the interests of public safety and to avoid blocking the road as set out in 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)

- 10 You must provide each car parking space shown on the approved drawings and each car parking space shall only be used for the parking of vehicles of people living in the residential part of this development. (C22BA)

Reason:

To provide parking spaces for people living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

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

Reason:

To provide parking spaces for people living in the residential part of the development as set out in STRA 25 and TRANS 23 of our Unitary Development Plan that we adopted in January 2007. (R22BB)

- 12 The external doors must be of made of timber and painted

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 East Marylebone 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)

- 13 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme:

- The Juliet balcony to be painted metal,
- The winch arm to be positioned above the first floor door opening.

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

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 East Marylebone 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)

- 14 You must apply to us for approval of detailed drawings of the following parts of the development - windows. You must not start any work on these parts of the development until we have approved what you have sent us.

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the East Marylebone 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)

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

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 East Marylebone 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)

- 16 **Pre Commencement Condition.**

(a) You must apply to us for approval of a written scheme of investigation for a programme of archaeological work. This must include details of the suitably qualified person or organisation that will carry out the archaeological work. You must not start work until we have approved what you have sent us.



(b) You must then carry out the archaeological work and development according to this approved scheme. You must produce a written report of the investigation and findings, showing that you have carried out the archaeological work and development according to the approved scheme. You must send copies of the written report of the investigation and findings to us, to Historic England, and to the Greater London Sites and Monuments Record, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST.

(c) You must not use any part of the new building until we have confirmed that you have carried out the archaeological fieldwork and development according to this approved scheme. (C32BC)

**Reason:**

To protect the archaeological heritage of the City of Westminster as set out in S25 of Westminster's City Plan (November 2016) and DES 11 of our Unitary Development Plan that we adopted in January 2007. (R32BC)

- 17 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 the area. This is as set out in S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6 or both of our Unitary Development Plan that we adopted in January 2007. (R26AD)

**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 advised that the new windows to the rear boundary wall elevation are considered to be "bad neighbours" as light and ventilation to the rear rooms would be wholly derived from the neighbouring site. These may prejudice the development potential on neighbouring sites. In these circumstances, the City Council will not be in a position to protect light to these windows. The installation of these windows is wholly at the applicants risk with regards to the impact of any future development on these windows.

- 3 Conditions 4, 5 and 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. (I82AA)
- 4 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.
- 5 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).

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

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

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

Phone: 020 7641 2000

Our Environmental Health Service may change the hours of working we have set out in this

permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

- 7 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 8 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
- 9 With reference to condition 8 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.
- 10 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 11 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](http://www.westminster.gov.uk)  
 Email: [res@westminster.gov.uk](mailto:res@westminster.gov.uk)  
 Tel: 020 7641 3003  
 Fax: 020 7641 8504.

- 12 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](http://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.

- 13 Every year in the UK, about 70 people are killed and around 4,000 are seriously injured as a result of falling from height. You should carefully consider the following.

\* Window cleaning - where possible, install windows that can be cleaned safely from within the building.

\* Internal atria - design these spaces so that glazing can be safely cleaned and maintained.

\* Lighting - ensure luminaires can be safely accessed for replacement.

\* Roof plant - provide safe access including walkways and roof edge protection where necessary (but these may need further planning permission).

More guidance can be found on the Health and Safety Executive website at [www.hse.gov.uk/falls/index.htm](http://www.hse.gov.uk/falls/index.htm).

Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)

- 14 The means of escape from the basement and upper floors may not meet Building Control regulations. You should seek formal advice from a Building Control officer regarding this.
- 15 You will need to re-apply for planning permission if another authority or council department asks you to make changes that will affect the outside appearance of the building or the purpose it is used for. (I23AA)

Item No.
<b>4</b>

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.

This page is intentionally left blank

# Agenda Item 5

Item No.

5

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 3 <sup>rd</sup> October 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved West End	
Subject of Report	35 - 50 Rathbone Place, London, W1T 1AA		
Proposal	Variation of Conditions 8 and 10 of planning permission dated 11 July 2016 (RN: 15/10824/FULL) which was for: “ <i>Variation of Condition 1 of planning permission dated 17 February 2014 (RN : 13/04844) for Substantial demolition of existing buildings and redevelopment of the site to provide a mixed use scheme accommodated in two L-shaped buildings rising to nine storeys plus basements and rooftop plant with frontages to Rathbone Place and Newman Street set around a central open space; use of new buildings for up to 162 residential dwellings (Class C3) with communal garden, offices (Class B1), shops (Class A1), flexible space for use as shops (Class A1) and/or restaurant (Class A3) and/or bar (Class A4); provision within basement of plant rooms and car/cycle parking with vehicular access via lifts from Newman Street; ground floor loading bay with access from Newman Street; new pedestrian routes through the site from Newman Street and Rathbone Place and associated works; namely the submission of substitute drawings showing re-distribution of floorspace areas at ground and basement levels having the effect of increasing the amount of offices (Class B1) and decreasing shops (Class A1/A3); associated changes to street elevations including new retail frontage with full height glazing, louvres and signage zones on Rathbone Place; change to rooflight arrangement to a linear pattern along southern side of the central garden; levels changes in central garden; additional louvres along the central garden elevation and south facing retail elevations; changes to parapet details; and alterations to office entrance doors on Newman Street and to vary the wording of condition 24 to allow dual swing escape doors on the Rathbone Place elevation which must be inward opening for everyday access and outward opening for emergency use only and the escape 'only' door in retail unit below office building on western elevation facing the central garden.</i> ” NAMELY amendments to the limitations placed on the use of entertainment Unit 13 to enable 30% of the floor area to be used for vertical drinking (Condition 8) and to allow use of the terrace for dining until 22:00 (Condition 10).		
Agent	Gerald Eve LLP		
On behalf of	D & D London Ltd		
Registered Number	17/06273/FULL	Date amended/ completed	14 July 2017
Date Application Received	14 July 2017		

<b>Historic Building Grade</b>	Unlisted
<b>Conservation Area</b>	Charlotte Street West

## 1. RECOMMENDATION

Grant conditional permission subject to a deed of variation to the original legal agreement to ensure this permission is subject to the requirements of the S106 agreement dated 11 February 2014 and amended by deed of variation dated 11 July 2016.

## 2. SUMMARY

The application site formerly accommodated a 1950's-built Royal Mail regional office and mail distribution centre, comprising a six storey building on Rathbone Place and an open parking/servicing area fronting Newman Street. Identified as a Strategic Site in the Tottenham Court Road Opportunity Area, planning permission was granted in 2013 for redevelopment for mixed residential, shopping and office purposes and this is now close to completion.

The design concept of the permitted scheme is of new buildings surrounding a privately managed central open space. New buildings would face east and west onto Newman Street and Rathbone Place, and another (mainly residential) block would form the northern boundary of the site. The open space between the blocks would include a new pedestrian route through the site linking Newman Street and Rathbone Place. Both street elevations and the internal elevations within the site overlooking the open space would, at basement and ground floor level, include frontages containing shops, restaurants and bars. The scheme was amended by a planning permission granted in 2016 which was specifically aimed at adapting the approved accommodation for Facebook as the sole occupier of the office floorspace, which included increasing the office floorspace and reducing the shopping floorspace. As a result of this permission one of the two large permitted entertainment uses fronting Rathbone Place was changed to offices, leaving one remaining entertainment unit on Rathbone Place and the current application concerns this unit.

The entertainment unit fronting Rathbone Place (known as Unit 13) is provided at ground floor and basement levels with an external terrace situated at the rear adjacent to the central public open space. This was originally conceived of speculatively with no end user in mind, but now an operator has been identified which is D&D London - an established operator of other ventures in London including The Bluebird Café, Chelsea and Coq d'Argent in the City. The intention is to open another Bluebird Café, which the applicant describes as a restaurant specialising in fine quality Mediterranean dining transforming into a high-end bar in the evening.

At the time of the original planning permission, since no operator for the entertainment uses had been identified a number of limitations were imposed to contain any potential impact on local amenity. The current application seeks to relax these limitations.

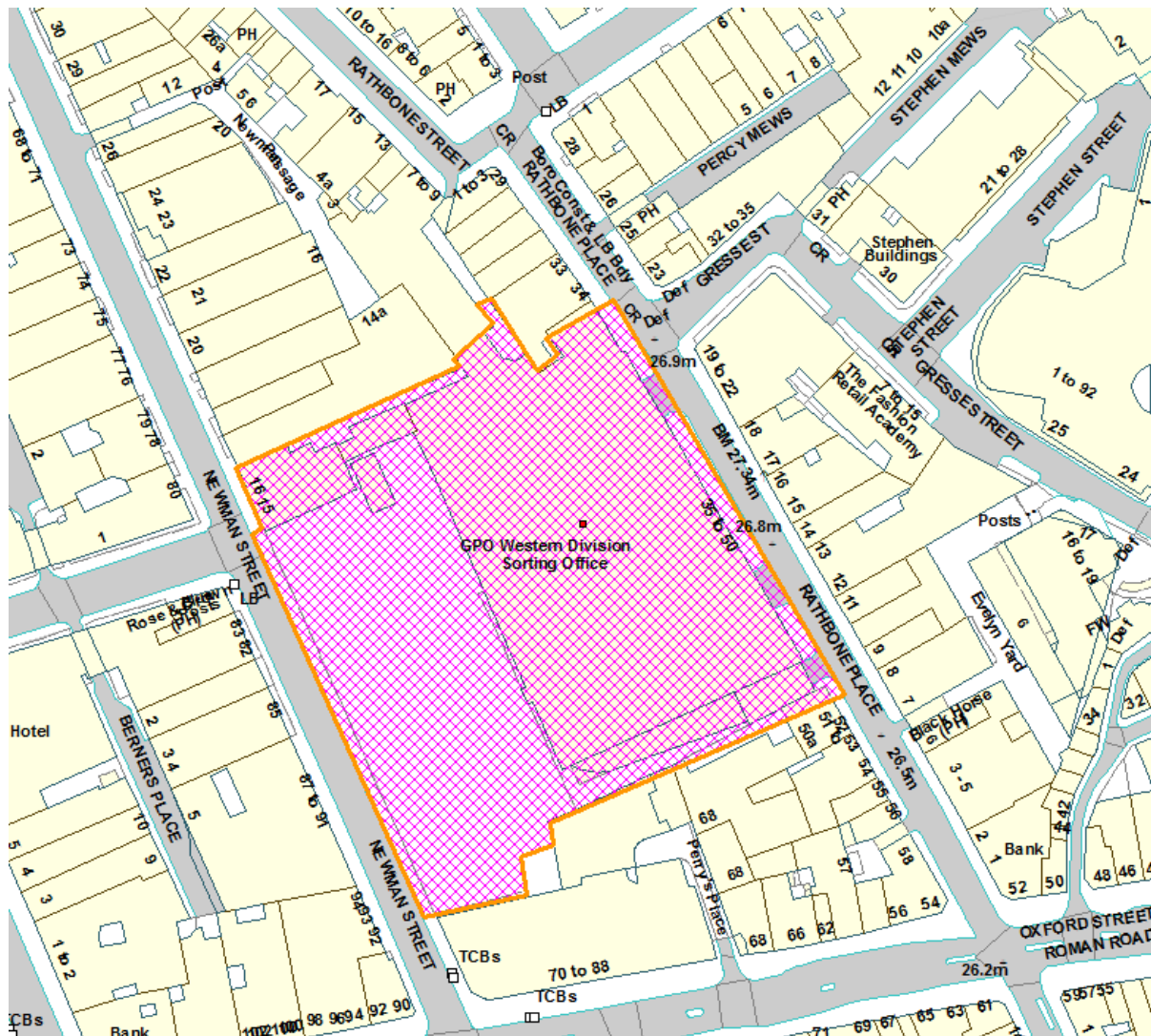
The first extant control is imposed by condition 8 of the extant permission which states that any bar or bar/restaurant should have no more than 15% of the floor area allocated to customers for vertical drinking (i.e. standing to drink alcohol) and the applicant proposes to be allowed to expand such an area to 30%. There have been no objections to this and given that the overall site's location just off Oxford Street and the fact that it is not situated within an identified Stress Area, it is considered that it would be difficult to identify sufficient harm from this proposal to justify refusing permission.



The second extant control relates to the use of the external terrace as limited by condition 10 of the planning permission, which states that there should be no external drinking or dining after 21.00hrs. The applicant wishes to amend this to allow the terrace to be used for dining until 22.00hr and whilst some drinking would also be permitted up to the same time, this would be restricted to those customers who are also dining. Anyone else would not be allowed to consume drink on the terrace after 21.00hrs. The applicant's proposals also offer an additional control which condition 10 does not currently impose, which is to not allow at any time vertical drinking on the terrace. Such a control would ensure that the terrace would be only available to those seated at tables, which would reduce the potential impact of vertical drinking occurring up until 21.00hrs which the extant condition currently allows

Overall the proposed changes are considered acceptable and unlikely to lead to a material additional impact on surrounding residential amenity.

### 3. LOCATION PLAN



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

#### 4. PHOTOGRAPHS



## 5. CONSULTATIONS

Fitzrovia Neighbourhood Association  
Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 47  
Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND PAPERS

1. Application form
2. Applicant's covering letter

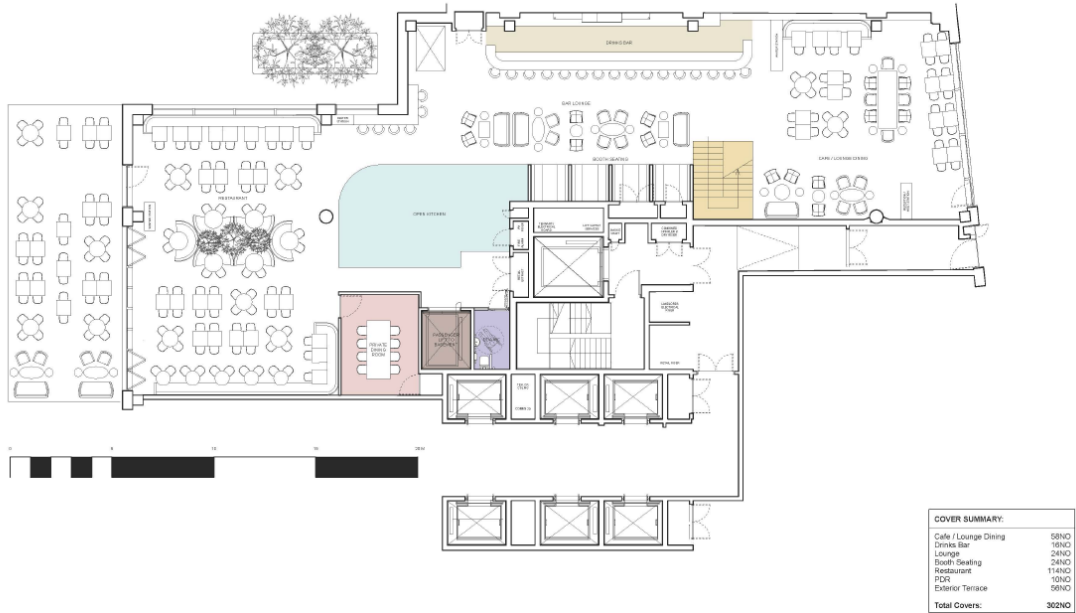
### **Selected relevant drawings**

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

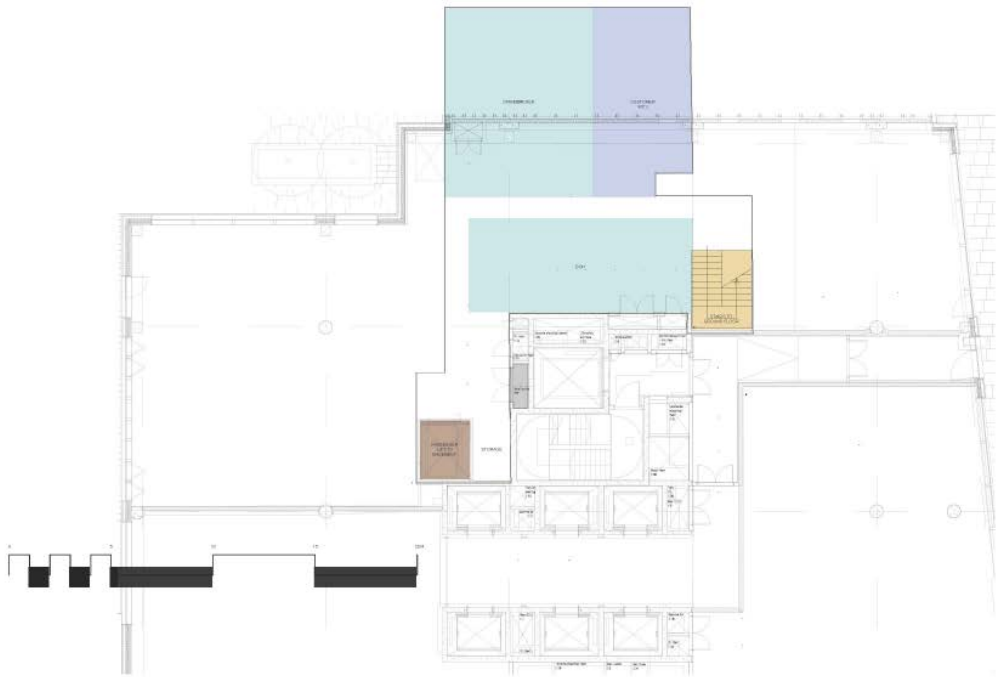
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT MARK HOLLINGTON BY  
EMAIL AT [mhollington2@westminster.gov.uk](mailto:mhollington2@westminster.gov.uk)

7. KEY DRAWINGS

Ground floor



Basement



This page is intentionally left blank

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 3 October 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Churchill	
Subject of Report	26 Bloomfield Terrace, London, SW1W 8PQ		
Proposal	Excavation of single storey basement, extending into the rear garden incorporating a lightwell; erection of two storey rear extension at lower ground and ground floors, and use of the flat roof at first floor as a roof terrace, with associated railings and alterations; installation of two air conditioning units within an enclosure on first floor roof terrace; lowering of front vaults by 150mm and installation of a boiler flue extract at pavement level; formation of new entrance lobby and door underneath the front foot path within front lightwell; replacement of metal windows to rear and front elevations with timber windows; installation of satellite dish to top of roof; and internal alterations.		
Agent	Savills		
On behalf of	Mr B Ferdinand		
Registered Number	17/06041/FULL and 17/06042/LBC	Date amended/ completed	23 August 2017
Date Application Received	7 July 2017		
Historic Building Grade	Grade II		
Conservation Area	Belgravia		

## 1. RECOMMENDATION

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

## 2. SUMMARY

26 Bloomfield Terrace is a grade II listed, mid-terraced, early nineteenth century townhouse located within the Belgravia Conservation Area.

Permission and listed building consent are sought for the excavation of single storey basement, extending into the rear garden incorporating a lightwell; erection of two storey rear extension at lower

ground and ground floors, and use of the flat roof at first floor as a roof terrace, with associated railings and alterations; installation of two air conditioning units within an enclosure on first floor roof terrace; lowering of front vaults by 150mm and installation of a boiler flue extract at pavement level; formation of new entrance lobby and door underneath the front foot path within front lightwell; replacement of metal windows to rear and front elevations with timber windows; installation of satellite dish to top of roof; and internal alterations.

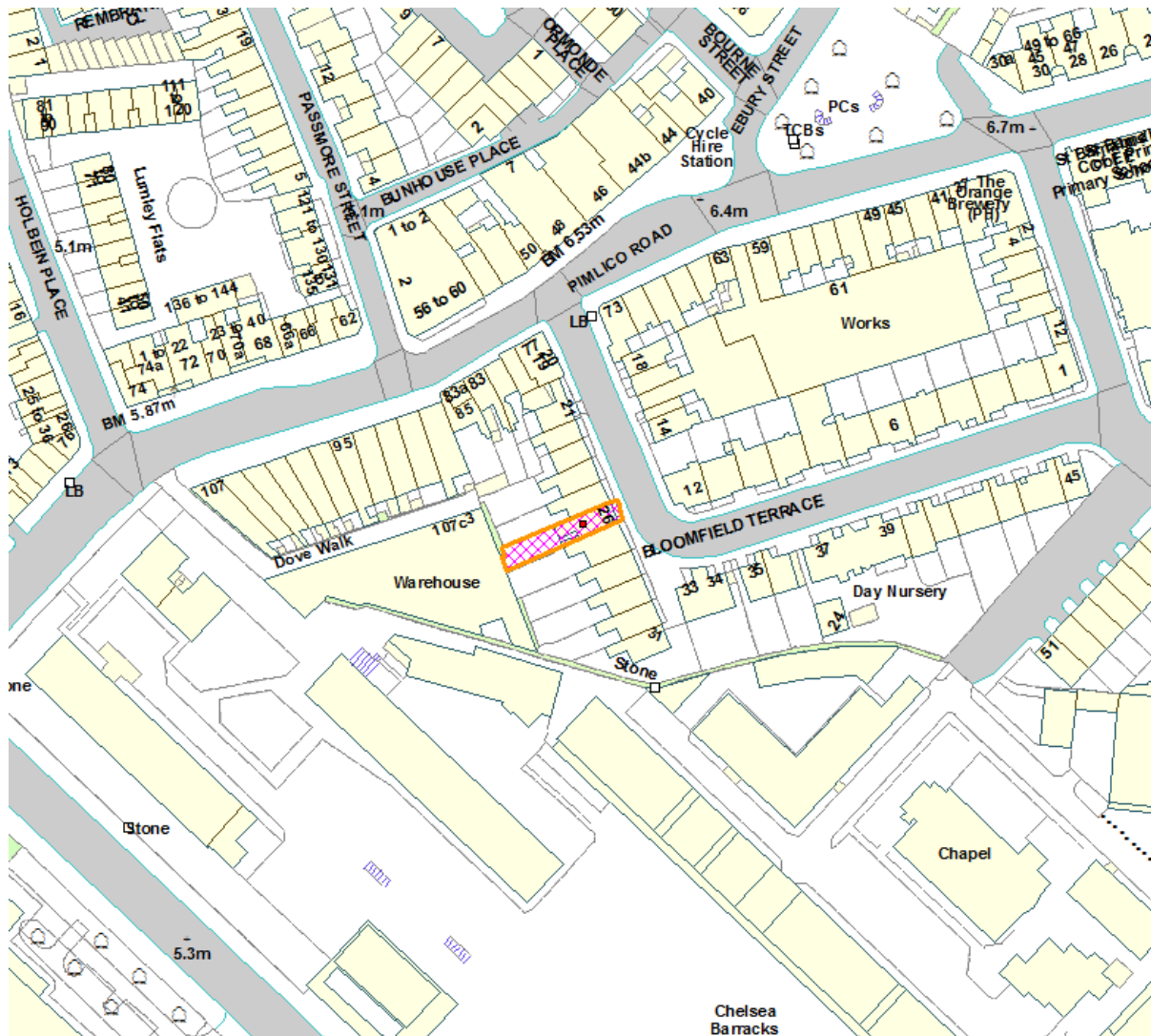
The key issues in this case are:

- the impact of the proposed development on the character and appearance of the listed building and the character and appearance of the Belgravia Conservation Area; and
- the impact on the amenity of neighbouring residents.

For the reasons set out in this report, the proposed development is considered to accord with relevant policies within the Unitary Development Plan adopted in January 2007 (the UDP) and Westminster's City Plan adopted in November 2016 (the City Plan). As such, it is recommended that planning permission and listed building consent are granted, subject to the conditions set out in the draft decision letters.



### 3. LOCATION PLAN



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

**4. PHOTOGRAPHS****Front Elevation**





**Rear Elevation**

## 5. CONSULTATIONS

### BELGRAVIA RESIDENTS ASSOCIATION:

Any response received to be reported verbally

### THE BELGRAVIA SOCIETY:

Any response received to be reported verbally

### BELGRAVIA NEIGHBOURHOOD FORUM:

Any response received to be reported verbally

### HIGHWAY PLANNING MANAGER:

No objection.

### ENVIRONMENTAL HEALTH:

No objection, subject to conditions.

### BUILDING CONTROL:

Structural method statement acceptable

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 14

Total No. of replies: 5 (objections)

Objections received on the following grounds:

#### Design:

- the proposals would harm the character and appearance of the listed building and conservation area;
- the new basement level would constitute overdevelopment
- 

#### Residential Amenity:

- the building work, particularly the basement excavation, would unduly harm residential amenity in terms of increased noise, dirt, dust and parking suspensions (several objectors note there could be a cumulative impact with other nearby developments exacerbating this harm);

#### Other:

- the proposals are motivated by profit rather than a desire to accommodate the needs of occupants, and the City Council should resist this by supporting residents over developers.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

26 Bloomfield Terrace is a grade II listed building located in the Belgravia Conservation Area. It is situated on the west side of Bloomfield Terrace; the property comprises of a basement, ground and two upper floor levels and is completed by a mansard. The property forms part of a wider terrace of comparable early-nineteenth century properties, which are also grade II listed.

## **6.2 Recent Relevant History**

On 29 March 2016 permission and listed building consent were granted for construction of a full width double height rear extension at basement and ground floor levels with extension of terrace at first floor level and new metal painted railings and alterations to rear external services; installation of two air conditioning units with enclosure at rear first floor terrace; lowering of external pavement vaults by 150mm to create plant room with boiler flue extract at pavement level; insertion of new entrance door in front lightwell; replacement of metal windows to rear and front elevations with timber windows; installation of satellite dish to top of roof; new landscape design to rear garden; internal alterations including the lowering of basement floor by 200mm to rear extension.

## **7. THE PROPOSAL**

Permission and listed building consent are sought for excavation of single storey basement, extending into the rear garden incorporating a lightwell; erection of two storey rear extension at lower ground and ground floors, and use of the flat roof at first floor as a roof terrace, with associated railings and alterations; installation of two air conditioning units within an enclosure on first floor roof terrace; lowering of front vaults by 150mm and installation of a boiler flue extract at pavement level; formation of new entrance lobby and door underneath the front foot path within front lightwell; replacement of metal windows to rear and front elevations with timber windows; installation of satellite dish to top of roof; and internal alterations.

The main difference between the March 2016 approved scheme and the current proposals is the excavation of a new basement level, other minor alterations are also proposed.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

The application property is a single family dwelling house and the additional residential floorspace created would enlarge the existing home.

### **8.2 Townscape and Design**

26 Bloomfield Terrace is a grade II listed building located in the Belgravia Conservation Area. Some stripping out and preparatory works in connection with the extant permission have been undertaken. The building has undergone a series of earlier modifications, possibly post war, notably fenestration alterations to the lower ground and mansard levels, as well as the enlarged two-storey closet wing to the rear. Generally however, the building retains much of its 1830s architectural character and numerous historic details. Internally the building's traditional compartmental plan form remains, with modest

alterations to the rear rooms on the upper floors. Remnants of the historic interior are evident, though many of the cornices on the upper floors have been replaced with simple coving. The staircase is of notable significance, extending from lower ground to mansard level the ground to second floor levels are likely original, the lower ground and top flights would appear altered but still of significance. The current applications match the extant permission and consent with the addition of a new basement and other modest alterations.

Objections have been received from adjoining residential occupiers on the grounds that the proposals would harm the character and appearance of the listed building and conservation area, and it would constitute overdevelopment.

**Rear Extension and Roof Terrace:**

The proposed two storey rear extension would replace the existing rear extension. It would match the existing depth, but would in-fill the side return area between the flank wall of the rear addition and the party boundary with 27 Bloomfield Terrace. The proposed scale and massing would be comparable to neighbouring extensions on the application terrace, mostly notably 25 and 28 Bloomfield Terrace. In relation to the main building and as well as the terrace, the extension is considered to be subservient in scale. Compared to the rear extension with extant permission, the lower ground floor door design has been altered to be two panes rather than four and the height of the ground floor sash windows are increased. The principle of the rear extension remains acceptable and the alterations to its detailed design would have a limited impact on the character of the listed building and conservation area and are therefore considered acceptable. The railings at first floor level to enclose the proposed roof terrace would be discreet and so also acceptable.

**Basement and Rear Lightwell:**

The new basement would be underneath the main house and would project underneath part of the rear garden. The existing lower ground floor would be lowered by 200mm and therefore the floor itself removed. The information submitted indicates that there is little historic interest retained within the floor construction and therefore the proposed replacement of it is considered acceptable. The reinstated lower ground floor is to be 200mm below its current position and would represent one additional step. Given the lack of detailing, retention of hierarchy and the minimal change in level the works are considered acceptable. At the rear of the extension a well-proportioned light-well is proposed and, given its modest size and discreet location, it is not opposed on design/ listed building grounds.

**Front Elevation:**

The extant permission allows a new entrance lobby and door underneath the front path within the front lightwell, associated alterations to the front vaults, a flue, and replacement windows and doors. The current proposal is as approved, except that the dormer is retained in the existing design and the window replaced with a new timber framed sash window. These works would not be harmful to the significance of the listed building or the conservation area.

**Rear Elevation:**

The extant permission allows plant within an enclosure at roof terrace level and replacement windows and doors to the rear elevation. The current proposals are as

approved, except (as is to the front) the dormers are retained in the existing design and the window replaced with a new timber framed sash windows – and this is acceptable.

#### **Internal Works:**

The building's traditional two room plan form can still be understood throughout. The proposals originally included some harmful alterations, but following officer advice these have been removed and consequently much of the original layout would be retained. In these circumstances, the alterations are not considered harmful to the special interest or character of the listed building.

#### **Design Summary:**

For the reasons outlined above, the proposals are considered acceptable in design, townscape and listed building terms, and comply with policies DES1; DES5; DES9; and DES10; of the UDP, S25 and S28 of the City Plan as well as guidance contained within the City Council's SPG: Repairs and Alterations to Listed Buildings.

### **8.3 Residential Amenity**

The nearest residential properties are those adjacent at Nos. 25 and 27 Bloomfield Terrace. To the rear is the Chelsea Barracks development site.

ENV13 of the UDP and Policies S29 of the City Plan seek to protect residential amenity in terms of light, privacy, sense of enclosure and encourage development which enhances the residential environment of surrounding properties.

The two storey rear extension is not of a scale or location that would harm neighbouring amenity in terms light or outlook. Whilst on the party boundary with No. 27, the projection beyond its rear building line would be less than half a metre. Further, planning records indicate the rooms within the closet wing of No. 27 at basement and ground floors are non-habitable (bathrooms). With regards to the roof terrace, given the location of the enlargement and its relationship with adjoining properties, there would be no significant increase in the level of overlooking to neighbouring residential windows over the existing arrangements. Similarly, whilst larger than the existing, it is not considered that the degree of social activity that could occur on the roof terrace would be noticeably different to the existing situation. It is not considered that the other alterations to the property, or the new basement when built, would have negative implications on neighbouring residential amenity (the basement is further addressed in section 8.7)

### **8.4 Transportation/Parking**

The proposed extensions 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 negative impact on the local highway network or availability of on-street parking.

### **8.5 Economic Considerations**

No economic considerations are applicable for a development of this size.

### **8.6 Other UDP/Westminster Policy Considerations**

## Basement

The proposals are considered to be in accordance with policy CM28.1 of the City Plan as follows:

### *Part A. 1-4*

The applicant has provided an assessment of ground conditions for this site and this has informed the structural methodology proposed, which has also been submitted with the application within a structural statement prepared by an appropriately qualified structural engineer. These documents have been reviewed by Building Control who advise that the structural methodology proposed is appropriate for the ground conditions found on this site.

In terms of construction impact, the applicant has provided a signed proforma Appendix A confirming that they agree to comply with the City Council's Code of Construction Practice (CoCP). A condition is recommended to ensure that the applicant complies with the COCP and that the construction works are monitored for compliance by the Environmental Inspectorate at the applicant's expense.

A flood risk assessment has been provided as part of the structural statement and this demonstrates that flood risk would not be exacerbated in this location, which has a low flood risk and is not in an area identified as being susceptible to surface water flooding.

### *Part A. 5 & 6*

Objections have been received from neighbouring residents regarding the impact of construction work associated with the proposed basement and general disturbance associated with construction activity. The proposed hours of working condition recommended to be attached states that no piling, excavation and demolition work is undertaken on Saturdays. This condition is consistent with environmental protection legislation and will help to alleviate disturbance to neighbours.

Concerns have also been raised in relation to the cumulative impact of other developments in the street. The City Council adopted its Code of Construction Practice (CoCP) at the end of July 2016 and if permission is granted, the applicants will be required to comply with the CoCP. This is a fundamental shift in the way the construction impacts of developments are dealt with relative to the position prior to July 2016. Previously conditions were attached to planning permissions requiring Construction Management Plans to help protect the amenity of neighbours during construction. The CoCP expressly seeks to move away from enforcement via the planning system. It recognises that there is a range of regulatory measures available to deal with construction impacts, and that planning is the least effective and most cumbersome of these. The Environmental Inspectorate has been resourced in both numbers and expertise to take complete control over the monitoring of construction impacts.

The CoCP strongly encourages early discussions between developers and those neighbouring the development site. It notes that this should be carried out after planning permission is granted and throughout the construction process. By providing neighbours with information about the progress of a project, telling them in good time about when works with the potential to cause disruption will take place and being approachable and



responsive to those with comments or complaints will often help soothe the development process.

The concerns of the neighbouring residents are at the heart of why the City Council has adopted its new Policy in relation to basements (CM28.1) and created the new CoCP. While the comments from the neighbours are noted, it is considered that the CoCP will adequately ensure that the development is undertaken in such a manner as to ensure that the impact is mitigated as far as possible.

A condition is recommended requiring evidence to be submitted of compliance with the CoCP. This must be submitted before work starts on site, subject to which the proposals are considered acceptable.

The site is not in an archaeological priority area and therefore part 6 does of the policy does not apply.

*Part B. 1&2*

The proposal does not involve the loss of trees within the rear garden, nor are there nearby trees of concern, and the landscaping of the rear garden is considered acceptable.

*Part B. 3*

The proposals do include details in relation to ventilation, and this is addressed in the next section.

*Part B. 4 & 7*

The only external manifestations of the basement would be the lightwell to the rear, which is not considered to have a significant impact in terms of sustainable urban drainage. The basement has been set in from the boundaries within the garden to provide drainage around the subterranean structure.

*Part B. 5&6*

The proposals are considered to be discreet and will not negatively impact on the conservation area (see also Section 8.2 of this report).

*Part C. 1*

The proposals extend under the building and part of the rear garden. It does not extend under more than 50% of this garden area. A margin of undeveloped garden land is retained around the proposed basement. This part of the policy is therefore considered to have been met.

*Part C. 2*

One metre of soil depth and 200mm drainage layer is provided over the proposed basement which is compliant with this part of the policy.

*Part C. 3*

Only a single basement is proposed which is considered acceptable and in accordance with this part of the policy.

*Part D*

The basement does not extend under the highway, therefore this part of the policy does not apply in this case.

#### **Plant Equipment:**

The applicant has submitted a noise survey as part of the application. Plant equipment is proposed at first floor as previously approved, the noise report indicates that the equipment assessed would likely to be inaudible at the nearest residential premise. Environmental Health Officers have assessed the acoustic report that was submitted with the application and consider that the proposed plant would comply with the City Council's noise policy ENV 7 of the UDP, subject to conditions to ensure the enclosure is installed and the standard noise conditions are applied. The proposals would not therefore harm the amenity of neighbouring properties.

### **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 net additional gross internal floorspace would be less than 100sqm, and so the application is not liable for Mayoral or City Council CIL.

### **8.10 Environmental Impact Assessment**

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

### **8.11 Other Issues**

Objections have been received from neighbouring residents on the grounds that the main motivation behind the development is likely to be monetary profit. Developments affect the value of buildings/ land, but the degree to which this forms the motivation behind a proposal is not a material planning consideration.

## **9. BACKGROUND PAPERS**

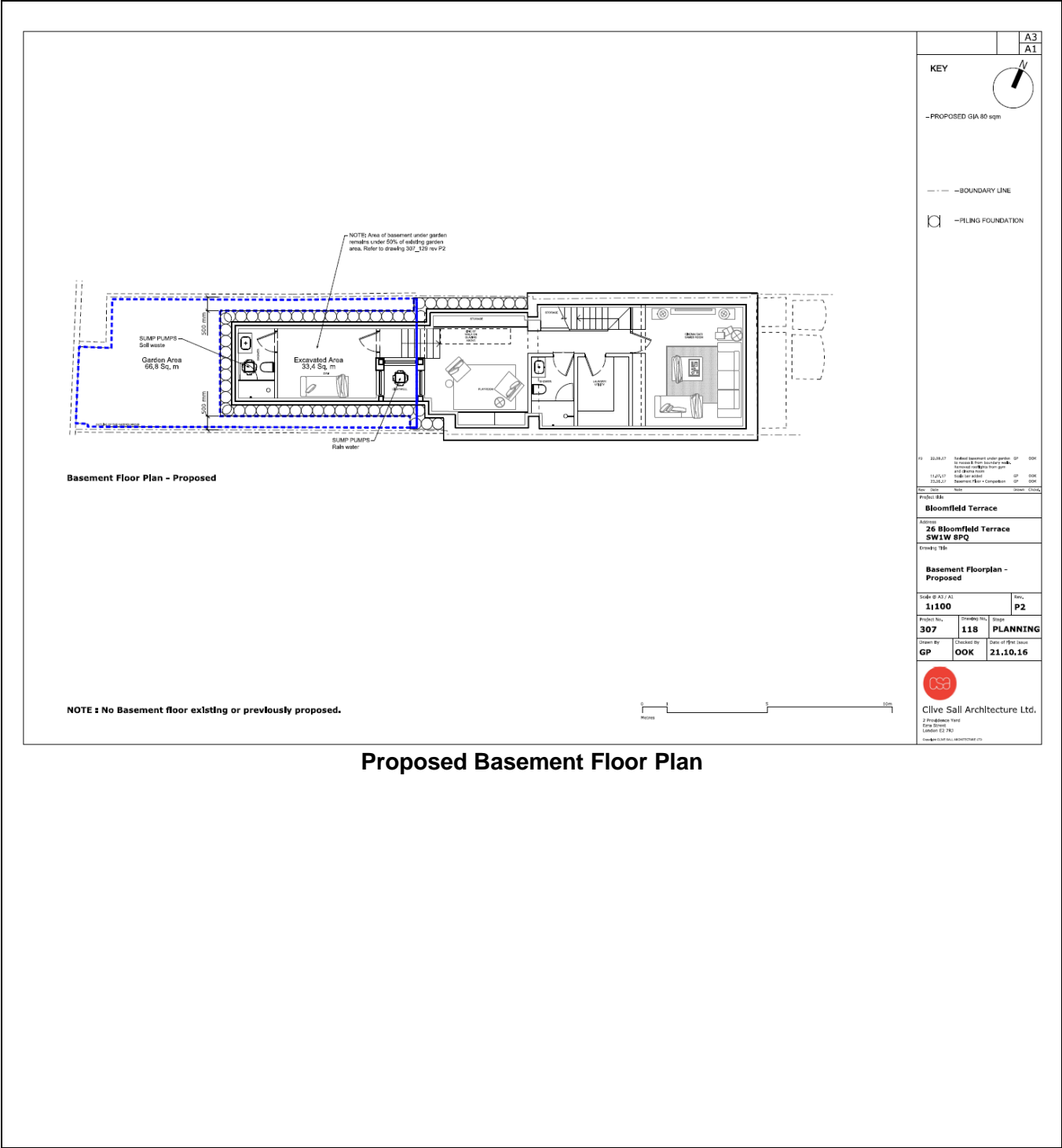
1. Application form
2. Memorandum from Environmental Health, dated 25 July 2017
3. Memorandum from Highways Planning, dated 12 September 2017
4. Memorandum from Building Control, dated 18 September 2017
5. Letters (x2) from occupiers of 12 Bloomfield Terrace, London, dated 8 August 2017 and 14 September 2017
6. Letter from occupier of 14 Bloomfield Terrace, London, dated 9 August 2017
7. Letter from occupier of 11 Bloomfield Terrace, London, dated 9 August 2017

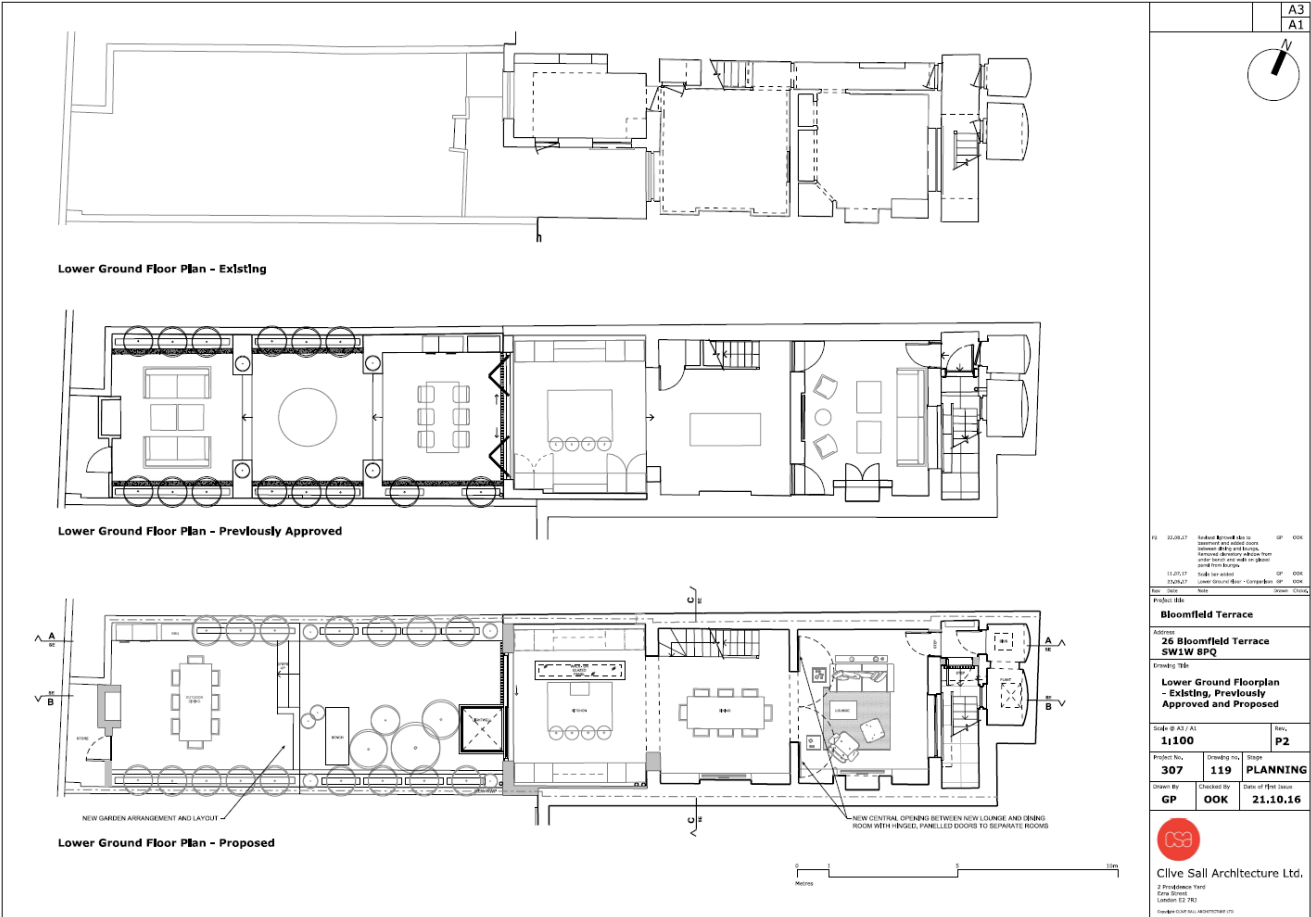
8. Letter from occupier of 25 Bloomfield Terrace, London, dated 9 August 2017

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

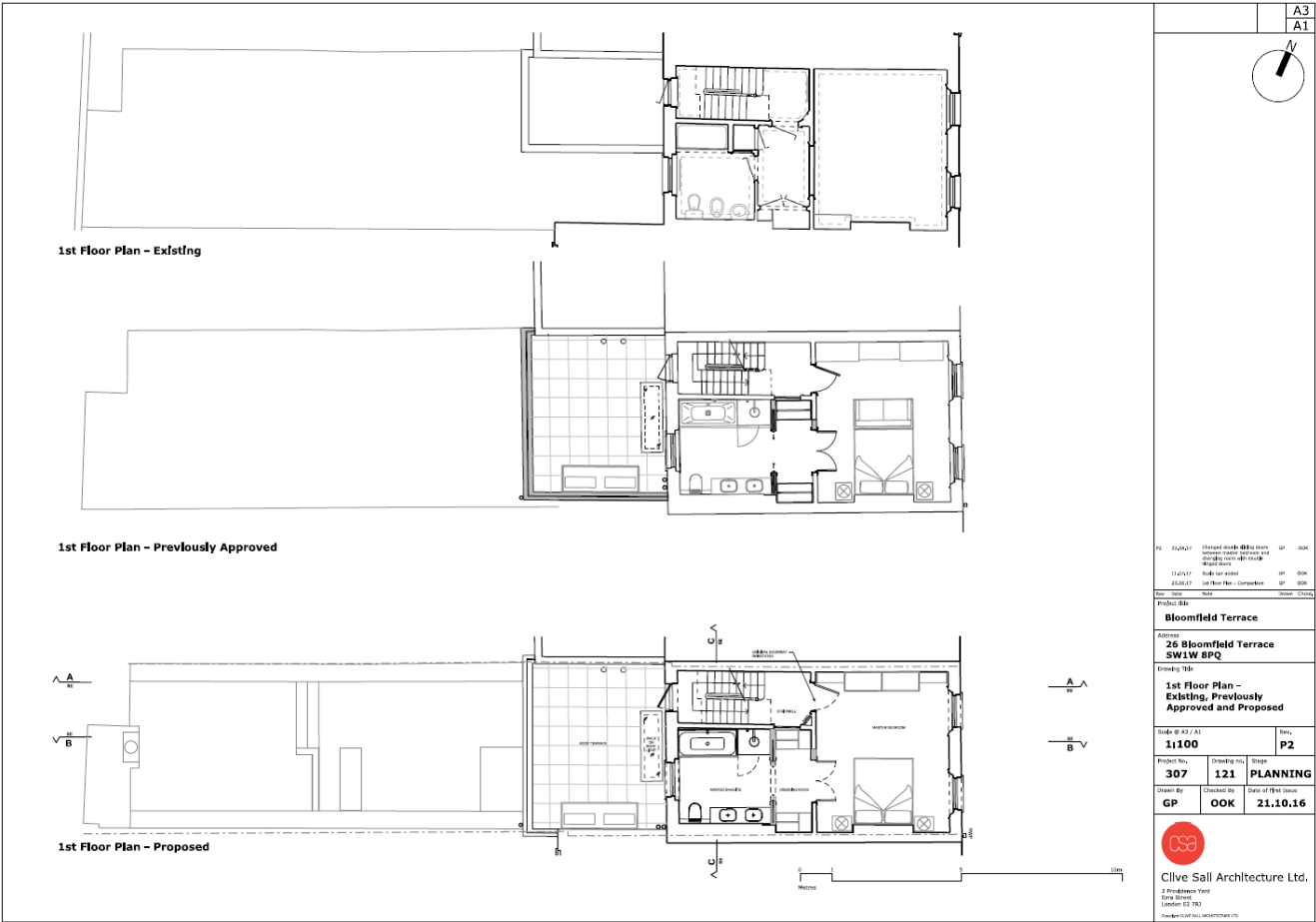
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: AMANDA JACKSON BY EMAIL AT [ajackson@westminster.gov.uk](mailto:ajackson@westminster.gov.uk)

10. KEY DRAWINGS





Existing, Previously Approved and Proposed Lower Ground Floor Plan



Existing, Previously Approved and Proposed First Floor Plan



Existing, Previously Approved and Proposed Rear Elevation





**DRAFT DECISION LETTER**

**Address:** 26 Bloomfield Terrace, London, SW1W 8PQ

**Proposal:** Excavation of single storey basement, extending into the rear garden incorporating a lightwell; erection of two storey rear extension at lower ground and ground floors, and use of the flat roof at first floor as a roof terrace, with associated railings and alterations; installation of two air conditioning units within an enclosure on first floor roof terrace; lowering of front vaults by 150mm and installation of a boiler flue extract at pavement level; formation of new entrance lobby and door underneath the front foot path within front lightwell; replacement of metal windows to rear and front elevations with timber windows; installation of satellite dish to top of roof.

**Reference:** 17/06041/FULL

**Plan Nos:** Site Location Plan; 118 rev P2; 119 rev P2; 120; 121 rev P2; 122; 123; 124; 129 rev P2; 130; 131; 132; 133; 220 (existing and previously approved only); 220 rev B (proposed only); 221 (existing and previously approved only); 221 rev B (proposed only); 222; 320; 321; Planning Statement; Design and Access Statement; Heritage Statement; Environmental Noise Assessment; Draft Copy of Appendix A.

For Information Only:  
Structural Methodology Statement.

**Case Officer:** Joshua Howitt

**Direct Tel. No.** 020 7641 2069

**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: , obetween 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 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 Belgravia 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 details of the following parts of the development;
  - i) Sample of the stone for the front light-well paving and steps.
  - ii) Detailed drawings of the all new replacement windows, scaled 1:10.

- iii) Detailed drawings of the new doors and windows to the rear extension, scaled 1:5 and 1:10.

You must not start work until we have approved what you have sent us. You must then carry out the work according to these details. (C26CB)

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 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 You must apply to us for approval of a sample panel of brickwork which shows the colour, texture, face bond and pointing. 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 approved sample. (C27DB)

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 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)

- 7 (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 LA90, 15 mins measurement recorded under (f) above;; (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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.

- 8 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 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.

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

**Reason:**

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Belgravia Conservation Area, and to protect neighbouring residents from noise and vibration nuisance. This is as set out in S25, S28, S29 and S32 of Westminster's City Plan (November 2016) and ENV 6, ENV 7, DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in 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 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).
- 3 Conditions 7 to 9 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 4 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.
- 5 You need to speak to our Highways section about any work which will affect public roads. This includes new pavement crossovers, removal of redundant crossovers, changes in threshold levels, changes to on-street parking arrangements, and work which will affect pavement vaults.

You will have to pay all administration, design, supervision and other costs of the work. We will carry out any work which affects the highway. When considering the desired timing of highway works in relation to your own development programme please bear in mind that, under the Traffic Management Act 2004, all works on the highway require a permit, and (depending on the length of the highway works) up to three months advance notice may need to be given. For more advice, please 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)

- 6 You will need technical approval for the works to the highway (supporting structure) prior to commencement of development. You should contact Andy Foster (0207 641 2541) in Engineering & Transportation Projects to progress the application for works to the highway
- 7 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.
- 8 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)
- 9 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

Item No.
<b>6</b>

permission if your work is particularly noisy. Deliveries to and from the site should not take place outside the permitted hours unless you have our written approval. (I50AA)

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

**DRAFT DECISION LETTER**

**Address:** 26 Bloomfield Terrace, London, SW1W 8PQ

**Proposal:** Excavation of single storey basement, extending into the rear garden incorporating a lightwell; erection of two storey rear extension at lower ground and ground floors, and use of the flat roof at first floor as a roof terrace, with associated railings and alterations; installation of two air conditioning units within an enclosure on first floor roof terrace; lowering of front vaults by 150mm and installation of a boiler flue extract at pavement level; formation of new entrance lobby and door underneath the front foot path within front lightwell; replacement of metal windows to rear and front elevations with timber windows; installation of satellite dish to top of roof; and internal alterations.

**Reference:** 17/06042/LBC

**Plan Nos:** Site Location Plan; 118 rev P2; 119 rev P2; 120; 121 rev P2; 122; 123; 124; 129 rev P2; 130; 131; 132; 133; 220 (existing and previously approved only); 220 rev B (proposed only); 221 (existing and previously approved only); 221 rev B (proposed only); 222; 320; 321; Planning Statement; Design and Access Statement; Heritage Statement.

**Case Officer:** Joshua Howitt

**Direct Tel. No.** 020 7641 2069

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

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

**Reason:**

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

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

**Reason:**

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



(R27AC)

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

Reason:

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Belgravia 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)

- 4 You must scribe all new partitions around the existing ornamental plaster mouldings. (C27JA)

Reason:

To protect the special architectural or historic interest of this listed building. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 of our Unitary Development Plan that we adopted in January 2007, and paragraph 2.3 - 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 5 You must apply to us for approval of details of the following parts of the development;
- i) Sample of the stone for the front light-well paving and steps.
  - ii) Detailed drawings of the all new replacement windows, scaled 1:10.
  - iii) Detailed drawings of the new doors and windows to the rear extension, scaled 1:5 and 1:10.
  - iv) Details of all new cornices, skirting boards, doors, architraves and fireplaces.

You must not start work until we have approved what you have sent us. You must then carry out the work according to these details.

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

**Reason:**

To protect the special architectural or historic interest of this building and to make sure the development contributes to the character and appearance of the Belgravia 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 - 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings.

- 2 You will need to contact us again if you want to carry out work on the listed building which is not referred to in your plans. This includes:

- \* any extra work which is necessary after further assessments of the building's condition;
- \* stripping out or structural investigations; and
- \* any work needed to meet the building regulations or other forms of statutory control.

Please quote any 'TP' and 'RN' reference numbers shown on this consent when you send us further documents.

It is a criminal offence to carry out work on a listed building without our consent. Please remind your client, consultants, contractors and subcontractors of the terms and conditions of this consent. (I59AA)

Item No.
<b>6</b>

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.

This page is intentionally left blank

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 03 October 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Marylebone High Street	
Subject of Report	17-18 Thayer Street, London, W1U 3JX		
Proposal	Installation of an air conditioning unit and acoustic enclosure within rear lightwell.		
Agent	Hepher Grincell		
On behalf of	Mr Star Class (Hinde House) Ltd		
Registered Number	17/05573/FULL	Date amended/ completed	5 July 2017
Date Application Received	23 June 2017		
Historic Building Grade	Unlisted		
Conservation Area	Portman Estate		

## 1. RECOMMENDATION

Grant conditional permission

## 2. SUMMARY

17 and 18 Thayer Street are unlisted buildings in the Portman Estate Conservation Area. The application site lies on the western side of the street and forms part of a larger block known as Hinde House consisting of mixed retail at ground and basement floors with residential units on the upper floors.

Permission is sought for the installation of an air conditioning unit within an acoustic enclosure on the first floor roof of No. 18 Thayer Street. The unit is to serve the recently extended retail unit at the ground floor of No. 17 from 09:00 to 20:00 daily.

The key issues in this case are:

- The impact of the proposed works on the character and appearance of this part of the Portman Estate Street Conservation Area.
- The impact of the plant operation upon the amenity of neighbouring residential properties.

Although 2m in height, the plant lies within an enclosed location and would be against an existing enclosure at the rear of 18 Thayer Street. While the plant would be seen from upper floors of some adjacent buildings, it will not be visible from street level. Objections have been received due to the unsightly appearance of the proposed plant, however, it is to be enclosed within a plant screen and a

condition is imposed to ensure it would be of a neutral colour. It is not considered that the proposal would have an adverse impact on the appearance of the existing building or the character and appearance of this part of the Portman Estate Street Conservation Area.

Objections have been received from local residents on the grounds that the plant operation will result in unacceptable noise, vibration and heat disturbance, exacerbating existing noise nuisance caused by existing plant noise and other sources. Objectors have also expressed concern regarding the accuracy of the supporting acoustic report. The acoustic report supporting this application has been assessed by the City Council's Environmental Health officer who has confirmed that they are satisfied with the assessment methodology and they consider that the proposed plant operation is likely to comply with the Council's standard noise conditions.

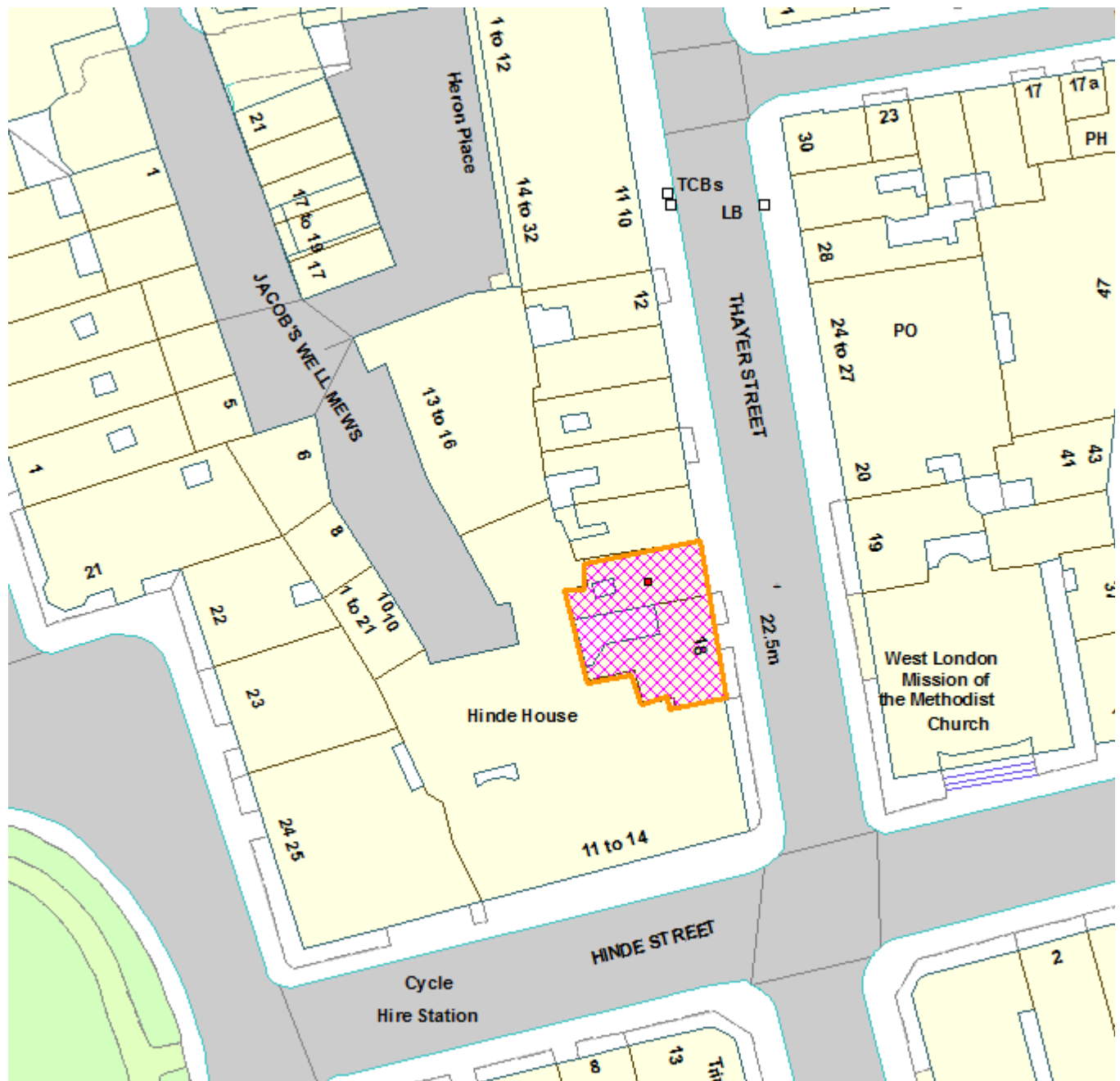
Objectors also refer to the fact that there have been noise complaints relating to both commercial activity within No. 18 Thayer Street and noise nuisance from existing plant within the courtyard to the rear of the 16-18 Thayer Street and 13-14 Hinde Street. In February this year, Westminster's Noise Team believed that a statutory nuisance existed and served a noise abatement notice under Section 80 of the Environmental Protection Act 1990 (EPA) Act. This required the occupant of 18 Thayer Street to manually adjust the speed of a basement kitchen fresh air inlet unit from 21:00 hours daily to reduce noise nuisance. Since the issuing of the notice, there have been no subsequent noise complaints.

City Plan policy S29 seeks to safeguard the amenity of neighbouring residential properties. UDP policy ENV13 sets out that permission will not be granted for development proposals which would result in a material loss of amenity to neighbouring properties by way of loss of daylight or sunlight. An objection has also been received on the grounds that units would obscure natural light to neighbouring properties. The area where the unit is proposed to be situated is enclosed by residential properties with windows facing the rear lightwell. The windows at first floor level serve non-habitable rooms with the exception of three windows to the north of the proposed enclosure. The centre point of the windows perpendicular proposed enclosure is above the height of the enclosure therefore light levels will not be impacted. The proposed enclosure is however marginally taller than the centre point of two residential windows either side of the small enclave to the north. Given the orientation and distance between the unit and these windows relative to the height of the proposed enclosure, it is not considered that the proposal would materially affect levels of light and a refusal on this basis cannot be justified.

Objections have been received from neighbouring occupants due to the potential impact on the value of surrounding residential properties; however, this is not a planning matter.

On this basis, the application is considered acceptable in design and amenity grounds and is therefore recommended for approval, subject to conditions.

### 3. LOCATION PLAN



#### 4. PHOTOGRAPHS



**Application Building**



**Existing Plant to Rear of Hide House**



**Proposed Location of New Enclosure**



## 5. CONSULTATIONS

### MARYLEBONE ASSOCIATION

No objection providing noise criteria can be achieved

### ENVIRONMENTAL HEALTH

No objection

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 50

Total No. of replies: 15 (including two letters from one respondent)

One letter of support and 14 letters of objection received on the following grounds:

#### Amenity

\* Existing plant causes noise nuisance which has resulted in a noise abatement notice being served

\*Noise levels are likely to increase

\*Noise readings are based on inaccuracies

\*Loss of light

\*Increase in hot air

\*Vibrations

#### Design

\* Units are unsightly

#### Other issues

\*Impact on property value

### PRESS ADVERTISEMENT / SITE NOTICE:

Yes

## 6. HISTORY

Permission was granted for the retention of two air conditioning units and erection of acoustic enclosure on the rear groundfloor of 18 Thayer Street, on 17 November 2009 (ref: 09/06626/FULL). Although located on the roof of 18 Thayer Street, these units serve the commercial unit at the ground floor of 13 Hinde Street.

In June 2010 permission was granted for the installation of one air conditioning unit within an acoustic enclosure in rear yard at basement level on the 18 June 2010 (ref: 09/08909/FULL).

In March 2010 permission was granted for the installation of a replacement of full height kitchen extraction flue at rear and installation of one screened refrigeration condensing unit on roof of 12 Hinde Street in association with the existing restaurant use at basement level at 18 Thayer Street /13 Hinde Street and part-basement level at 14 Hinde Street. Condition 5 required a supplementary acoustic report to demonstrate the

approved plant complied with the Council's standard noise criteria within two months of the plant being installed. An enforcement case was opened in January 2011 (ref: 11/46797/H) as this had not been submitted. Subsequently a supplementary acoustic report was submitted and approved by the Council in February 2011 (ref: 10/10957/ADFULL) and the enforcement case was closed.

Planning permission was granted on 15 March 2016 (ref: 15/11732/FULL) for the Installation of a new shopfront and awning. Erection of rear infill extension at basement and ground floor level to extend existing shop (Class A1).

## 7. BACKGROUND PAPERS

1. Application form
2. Response from Marylebone Association, dated 11 July 2017
3. Response from Environmental Health, dated 03 August 2017
4. Emails from Environmental Health, dated 23 August 2017
5. Letters from or of Flat 1, 17 Thayer Street, dated 6 and 10 July 2017
6. Letter from owner of Flat 2, 17 Thayer Street, dated 11 July 2017
7. Letter from occupier of Flat 3, 16 Thayer Street, dated 10 July 2017
8. Letter from occupier of 14 Hinde Street, London, dated 10 July 2017
9. Letter from occupier of Flat 2, 17 Thayer Street, dated 11 July 2017
10. Letter from occupier of Flat 4, 16 Thayer Street, dated 11 July 2017
11. Letter from occupier of Flat 3, 18 Thayer Street, London, dated 12 July 2017
12. Letter from occupier of Flat 11, 13 Hinde Street, dated 10 July 2017
13. Letter from occupier of Flat 1, 14 Hinde Street, dated 11 July 2017
14. Letter from occupier of Flat 2, 14 Hinde St, dated 10 July 2017
15. Letter from occupier of Flat 3, 17 Thayer Street, dated 10 July 2017
16. Letter from occupier of Flat 2, 18 Thayer Street, dated 12 July 2017
17. Letter from Hinde House Management Company Ltd, London, dated 17 July 2017
18. Letter from occupier of Flat 9, 13 Hinde Street dated 16 August 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: MARK HOLLINGTON BY EMAIL AT [MHOLLINGTON2@WESTMINSTER.GOV.UK](mailto:MHOLLINGTON2@WESTMINSTER.GOV.UK).

proposed roof plan 1:25

0 1m 2m 3m 4m 5m 6m 7m 8m

FOR INFORMATION ONLY

The image contains two architectural drawings of the Lightwell building. The left drawing is the 'lightwell elevation - east' and the right drawing is the 'lightwell elevation - south'. Both drawings show the building's facade with various windows, doors, and elevation markers. The east elevation shows a building with a central section labeled 'RECEIVED' and a section labeled 'THICKETS'. The south elevation shows a building with a large window and a section labeled 'THICKETS'. Both drawings include elevation markers and a north arrow.

Page 143

**DRAFT DECISION LETTER**

**Address:** 17-18 Thayer Street, London, W1U 3JX,

**Proposal:** Installation of an air conditioning unit and acoustic enclosure within rear lightwell.

**Reference:** 17/05573/FULL

**Plan Nos:** Drawings WD-303 Rev 2, WD-304 Rev 1, WD-104 Rev 4.

**Case Officer:** Damian Lavelle

**Direct Tel. No.** 020 7641 5974

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

- 1 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.

Noisy work must not take place outside these hours. (C11AA)

**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)

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

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

**Reason:**

As set out in ENV 6 (1), (6) and (8) and ENV 7 (A)(2) of our Unitary Development Plan that we adopted in January 2007 (UDP), so that the noise environment of people in noise sensitive properties is protected, including the intrusiveness of tonal and impulsive sounds; and as set out in S32 of Westminster's City Plan (November 2016), by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission.

- 3 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.

- 4 The acoustic enclosure panelling must be painted to match the colour of the walls next to it. You must then keep it in that condition.

**Reason:**

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Portman Estate Conservation Area. This is as set out in 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 put up the plant screen shown on the approved drawings before you use the machinery. You must then maintain it in the form shown for as long as the machinery remains in place. (C13DA)

**Reason:**

To protect the environment of people in neighbouring properties and the appearance of the site. This is in line with S25 and S28 of Westminster's City Plan (November 2016) and ENV 6, ENV 7, 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)

- 6 The plant/machinery hereby permitted shall not be operated except between 09.00 hours and 20.00 hours daily.

**Reason:**

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

**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 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.

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

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 3 October 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Hyde Park	
Subject of Report	34 Spring Street, London, W2 1JA,		
Proposal	Installation of one supply and one extract fan to the rear ground floor and refurbishment of existing timber plant enclosure.		
Agent	Miss Elena Beatrice Zonta		
On behalf of	Mr Gani Elkafi		
Registered Number	17/06089/FULL	Date amended/ completed	11 July 2017
Date Application Received	10 July 2017		
Historic Building Grade	Unlisted		
Conservation Area	Bayswater		

## 1. RECOMMENDATION

Grant conditional permission.

## 2. SUMMARY

Permission is sought for the installation of one supply and one extract fan unit to the rear ground floor level within an existing plant enclosure. The applicant also proposes refurbishing this plant enclosure by installing internal acoustic insulation and painting it white.

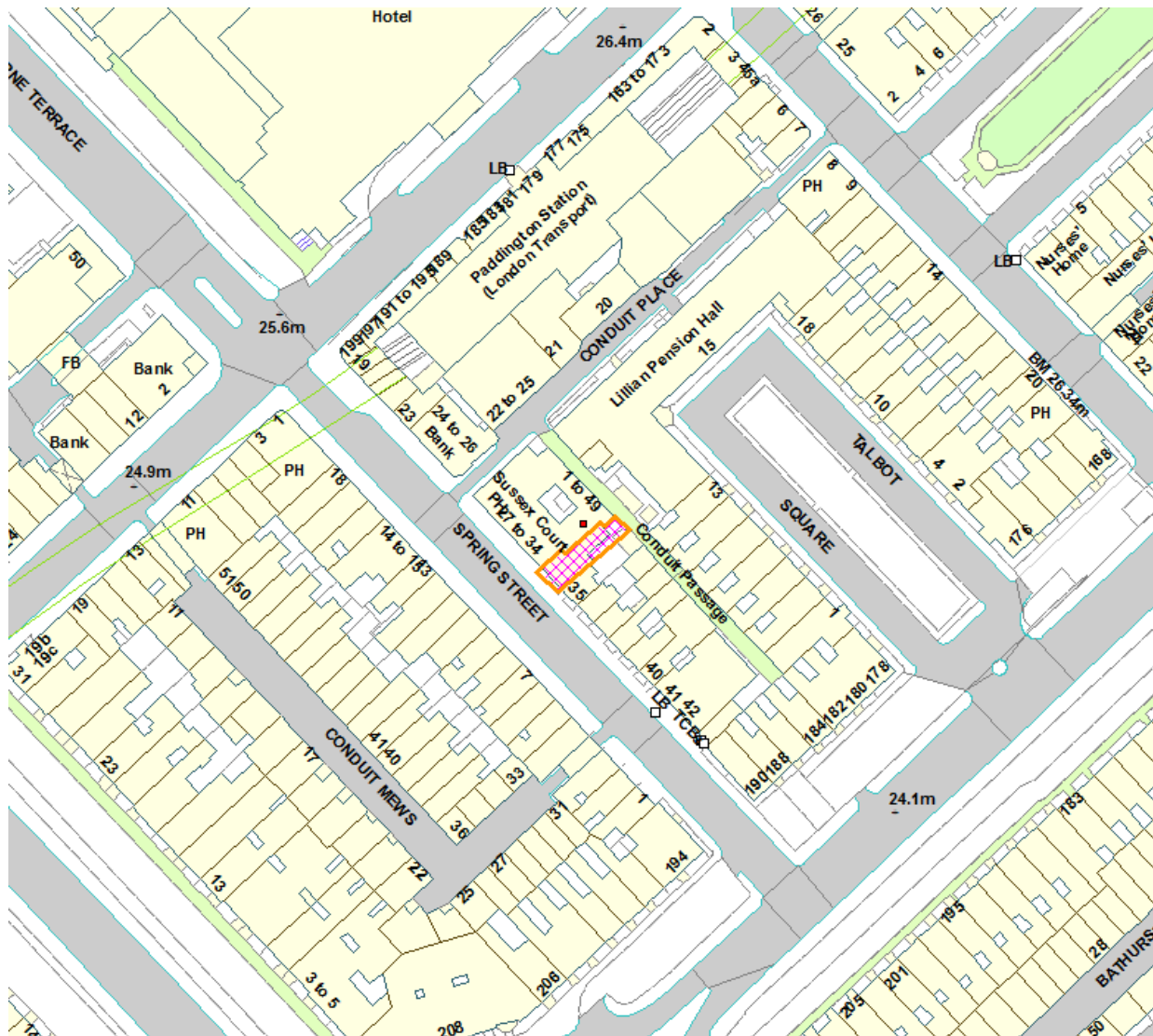
Seven letters of objection have been received which raise objections on a number of grounds, but particularly due to loss of residential amenity through noise and vibration and cooking odours.

The key issues are:

- Impact on the amenity of neighbouring residents; and
- Impact on the character and appearance of the conservation area.

The proposed development accords with relevant policies in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (the City Plan) and is therefore acceptable in land use design and amenity terms. As such, the application is recommended for approval subject to the conditions set out in the draft decision letter.

### 3. LOCATION PLAN



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



#### 4. PHOTOGRAPHS



**View of the Existing Extract Duct with Acoustic Enclosure in Foreground.**

## 5. CONSULTATIONS

### SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION:

Objection on amenity grounds and to the potential cooking odour– request that conditions are attached to verify the actual noise levels and to limit the working hours of the plant.

### PLANT & EQUIPMENT:

No objection subject to conditions.

### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 67

Total No. of replies: 8

No. of objections: 7

No. of supporters: 0

In summary, the following issues were raised:

#### Amenity

- Noise pollution
- Unpleasant smells
- Due to potential cooking odours, residents will resist opening windows
- Extent of proposed operating hours

#### Other

- Proposal would set a precedent
- Referenced other recent planning applications for plant in the area
- Use of the rear courtyard

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site is an unlisted residential block of flats (Sussex Court) with a range of uses at ground floor level located within the Bayswater Conservation Area. The application site has been in use as a restaurant (Use Class A3) for many years, and is currently undergoing refurbishment so it can be used as a Mediterranean and Gulf restaurant named 'Layalleena'.

### 6.2 Recent Relevant History

Conditional permission was granted in 2016 for the installation of a new shopfront and canopy to the front of the application site (16/02663/FULL).

## **7. THE PROPOSAL**

Planning permission is sought for the installation of one supply and one extract fan unit to the rear ground floor level within an existing acoustic enclosure. The enclosure would be refurbished through installation of internal acoustic insulation and painting it white.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

In land use terms, the proposed supply and extract fan unit and associated acoustic enclosure will be used ancillary to the existing restaurant (Use Class A3). The principle of the proposed plant is considered acceptable in land use terms.

### **8.2 Townscape and Design**

The existing acoustic enclosure would be refurbished with the only substantial external change being a change of colour to white. No changes are proposed to the existing extract duct. Given the discreet location of this enclosure and the minor nature of these external works, the proposed development would preserve the character and appearance of this part of the Bayswater Conservation Area.

The proposal is considered to be acceptable in design terms and complies with policies DES 1 and DES9 of the UDP and S25 and S28 of the City Plan.

### **8.3 Residential Amenity**

The acoustic enclosure already exists and there would be no change to its height, bulk or location under this application. Accordingly, the proposed development would not result in unacceptable loss of light, increased sense of enclosure or loss of privacy through overlooking.

The proposal is adjacent to the boundaries of 35 Spring Street and 35 Conduit Passage. No representation has been received from the owner and/or occupier of 35 Spring Street. An objection has been received from the owners of 35 Conduit Passage raising amenity concerns in terms of noise pollution. An objection from 36 Conduit Passage also raised amenity concerns in terms of noise pollution and odour.

The proposed plant is located within an existing acoustic enclosure. Accordingly, it would not require planning permission. Notwithstanding this, Environmental Health Officers have assessed the acoustic report that was submitted with the application and after requesting further information, consider that the proposed plant is likely to comply with the City Council's noise criteria, as set out in policy ENV 6 of the UDP, subject to the unit being installed within the proposed acoustic enclosure and hours of use. Subject to standard Westminster noise conditions and that the hours of use are limited to between from 06.00 and 23.00 it is not considered that the proposals would harm the amenity of neighbouring properties.

The proposal is considered acceptable in terms of residential amenity as it complies with policies ENV6, ENV 7 and ENV 13 of our UDP and S29 and S32 of our City Plan.

**8.4 Transportation/Parking**

Not applicable.

**8.5 Economic Considerations**

No economic considerations are applicable for a development of this size

**8.6 Access**

The proposal does not have any adverse access implications.

**8.7 Other UDP/Westminster Policy Considerations**

None.

**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**

Not applicable.

**8.11 Environmental Impact Assessment**

An Environmental Impact Assessment is not required for a development of this scale.

**8.12 Other Issues**

We have received an objection in regards to the proposal setting a precedent for other similar developments in the surrounding area. However, all applications are assessed on their own merits having regard to the nature of the proposal, the site it relates to and the development plan at the time of the application is made. Accordingly, an objection on this ground cannot be sustained.

Other planning applications in the surrounding area were referred to in an objection received by a local resident. However, these applications have been assessed and determined on their own merits or are the subject of enforcement investigation. Accordingly, an objection on this ground cannot be sustained.

An objector also raised concerns regarding potential use of the rear courtyard by the visitors and staff of the restaurant and resulting noise. However, the applicant has

confirmed that it will be used solely for staff and just for access to the acoustic enclosure. In any event, use of this courtyard area is not the subject of this application.

Objectors are also concerned with potential cooking odour from the restaurant. However, this could occur under the present arrangement. Notwithstanding, this application also proposes an upgrade to the extract equipment which would increase the ability of it to extract odour from the existing high level duct and this is acceptable to the Environmental Health Officer. Accordingly, an objection on this ground would not be sustainable.

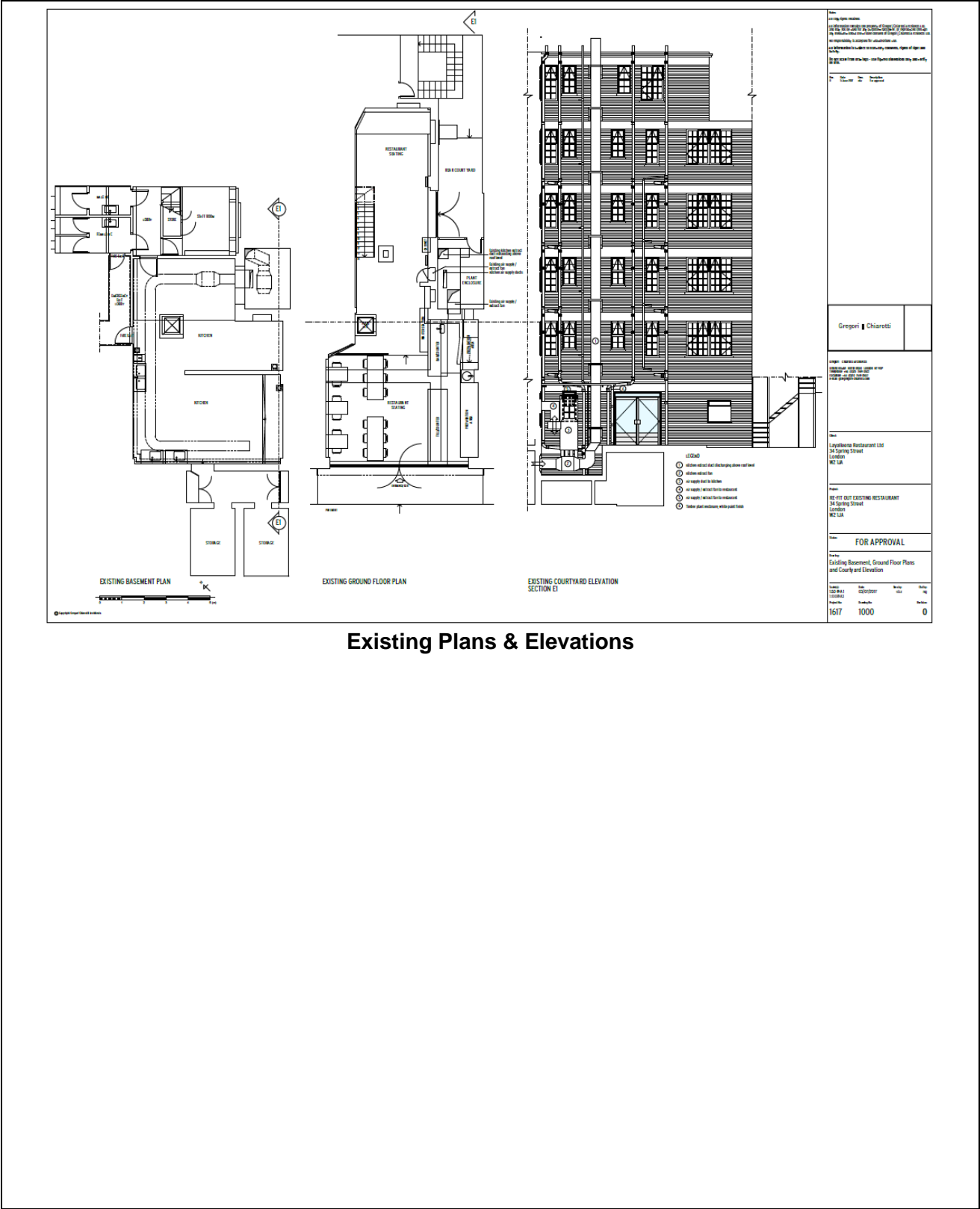
## 9. BACKGROUND PAPERS

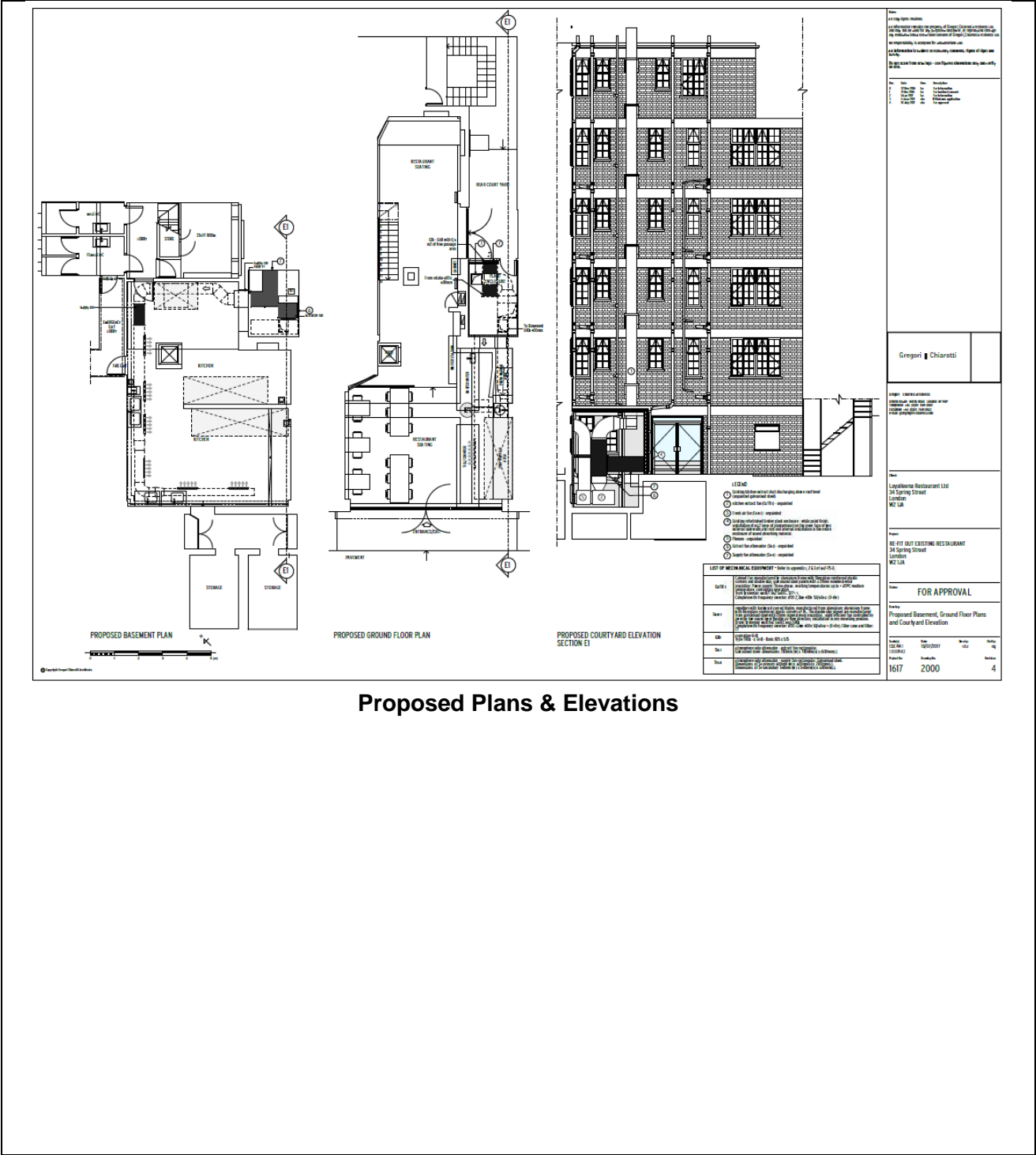
1. Application form
2. Response from Environmental Health Officer, dated 8 September 2017
3. Response from South East Bayswater Residents Association, dated 31 July 2017
4. Letter from occupier of 36 Conduit Passage, London, dated 22 July 2017
5. Letter from occupier of 19 Sussex Court, Spring St., dated 23 July 2017
6. Letter from occupier of 37, 3, dated 25 July 2017
7. Letter from occupier of The Estate Office, Carrington House, 6 Hertford St, dated 9 August 2017
8. Letter from occupier of 35 conduit passage, london, dated 20 July 2017
9. Letter from occupier of flat 6, 31 spring St, dated 19 August 2017
10. Letter from occupier of 48 Sussex Court, Spring St, dated 18 July 2017
11. Letter from occupier of The Estate Office Carrington House, 6 Hertford Street, dated 14 August 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: NATHAN BARRETT BY EMAIL AT [northplanningteam@westminster.gov.uk](mailto:northplanningteam@westminster.gov.uk)

10. KEY DRAWINGS





Proposed Plans & Elevations

**DRAFT DECISION LETTER**

**Address:** 34 Spring Street, London, W2 1JA,

**Proposal:** Installation of one supply and one extract fan to the rear ground floor and refurbishment of existing timber plant enclosure.

**Reference:** 17/06089/FULL

**Plan Nos:** 0001 Rev 0, 1000 Rev 0, 2000 Rev 4, Design and Access Statement, Planning Statement, Acoustic Consultancy Report dated 22 May 2017, 2929EN-ME3-00-04-Detail, Filters Specification and Plasmaclean Specification.

**Case Officer:** Frederica Cooney **Direct Tel. No.** 020 7641 7802

**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 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 (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 LA90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment

complies with the planning condition;

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

Reason:

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.

- 5 The plant/machinery hereby permitted shall not be operated except between 0600 hours and 2300 hours daily.

Reason:

To safeguard the amenity of occupiers of noise sensitive properties and the area generally by ensuring that the plant/machinery hereby permitted is not operated at hours when external background noise levels are quietest thereby preventing noise and vibration nuisance as set out in S32 of Westminster's City Plan (November 2016) and ENV 6 and ENV 7 of our Unitary Development Plan that we adopted in January 2007.

- 6 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.26 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.

#### **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 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](http://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.

- 3 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.

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.

This page is intentionally left blank