

<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 10 January 2017	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Ward(s) involved</b> Bryanston And Dorset Square	
<b>Subject of Report</b>	93 - 95 Gloucester Place, London, W1U 6JQ,		
<b>Proposal</b>	Use of building as nine self contained residential flats (Class C3). Internal and external alterations.		
<b>Agent</b>	Rolfe Judd Planning		
<b>On behalf of</b>	Gloxinia Holdings Ltd		
<b>Registered Number</b>	15/07789/FULL 15/07790/LBC	<b>Date amended/ completed</b>	20 August 2015
<b>Date Application Received</b>	20 August 2015		
<b>Historic Building Grade</b>	Grade II		
<b>Conservation Area</b>	Portman Estate		

## 1. RECOMMENDATION

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

## 2. SUMMARY

93 and 95 Gloucester Place are a pair of Grade II listed houses located within the Portman Estate Conservation Area. The buildings comprise of a basement, ground and three upper storeys. The buildings are currently occupied and in office (Class B1) use.

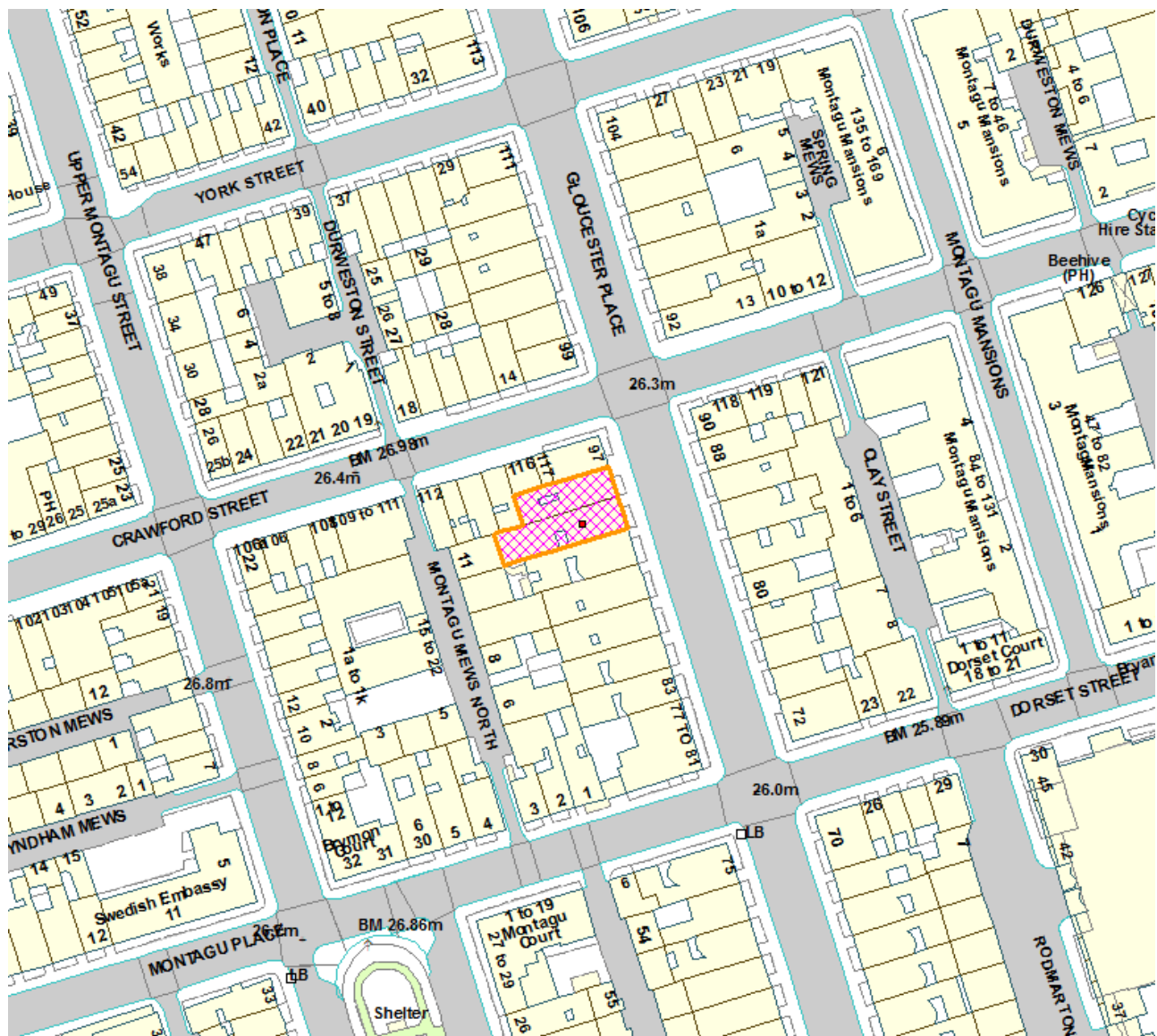
Planning permission and listed building consent are sought for the use of the building as nine self contained residential flats (Class C3) and associated internal and external alterations in connection with the proposed residential use. The key issues for consideration are:

- The loss of lawful office use within the building;
- The impact residential use could have on the residential amenity of neighbouring occupiers.

The scheme's viability has been assessed with regard to seeking a payment in lieu to the City Council's affordable housing fund. However, the Council's consultant has confirmed that it is not sufficiently viable to provide a payment.

The application is acceptable in land use, design, amenity and highways terms and is in accordance with the policies set out in the Unitary Development Plan (UDP) and Westminster's City Plan: Strategic Policies (City Plan).

## 3. LOCATION PLAN



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#### 4. PHOTOGRAPHS

Photograph 1. Front elevation of both 93 and 95 Gloucester Place



Photograph 2. View from existing meeting room in No. 95 to the rear office at ground floor level



Photograph 3. Rear elevation of 93 Gloucester Place



## 5. CONSULTATIONS

MARYLEBONE ASSOCIATION: No response received to date

ENVIRONMENTAL HEALTH: No objection

HIGHWAYS PANNING MANAGER: Objection-lack of car parking

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 95;

Total No. of replies: 2 two objections have been received from the same resident at 11a Montagu Mews North and raise the following concerns:

- Loss of privacy and light;
- Noise nuisance from residential use-currently the building is not occupied at weekends or in the evening;
- An industrial air condenser unit has been installed on external terrace area-unclear as to whether this has planning permission and concerns that it is likely to cause health and noise issues;
- Noise nuisance from the unauthorised mechanical plant referred to above.

PRESS ADVERTISEMENT / SITE NOTICE: Yes

## 6. BACKGROUND INFORMATION

### 6.1 The Application Site

The application site comprises 93 and 95 Gloucester Place, grade II listed buildings located within the Portman Estate Conservation Area. Each building occupies a basement, ground and three upper levels. The buildings are currently in office (B1) use, and are interlinked and operating as one. The site is located outside the Core Central Activities Zone.

At the rear of the site is a courtyard, onto which faces the rear of 11 Montagu Mews North. The courtyard is used by and in the same ownership as the application site, though the occupiers of the mews property have been granted access by the applicant.

### 6.2 Recent Relevant History

There is no relevant planning history to this site, however it is noted that a previous scheme involving significant demolition and extension for the use as 13 self contained flats was withdrawn.

## 7. THE PROPOSAL

Planning permission and listed building consent are sought for the use of the building as nine self contained residential flats (Class C3) and associated internal and external alterations in connection with the proposed residential use.

The nine residential units will comprise of 4 x 1 bed flats, 3 x 2 bed flats and 2 x 3 bed flats and arranged within the building as thus:

Basement- 2 x 1 bedroom flats  
Ground floor- 1 x 1 bedroom flat  
First floor- 1 x 2 bedroom flat  
Second- 1 x 1 and 1 x 2 bedroom flat  
Third- 1 x 3 bedroom flat

In addition, two maisonettes will be provided - 1 x 2-bedroom split over basement and ground floor and 1 x 3 split over ground and first floor levels.

Each of the three flats at basement floor level will have access to a terrace/courtyard area.

The existing entrance to No. 95 will form a private entrance to one of the maisonettes split over ground and first floor, with the existing entrance to No. 93 forming the main entrance to the remaining flats.

External works include replacement of non-original windows at first floor level on the front elevation with single glazed sash windows, the refurbishment of the slate to the roof, brickwork to chimneys, cast iron rainwater goods and metalwork to balconies and stucco profiles.

## **8. DETAILED CONSIDERATIONS**

### **8.1 Land Use**

#### **Loss of office use**

The Council, on 9<sup>th</sup> November 2016, formally adopted the latest version of Westminster's City Plan, which includes changes to Policy S20 (Offices and other B1 floorspace). The changes to Policy S20 include restricting office to residential conversions in the Core CAZ, Opportunity Areas and Named Streets. Loss of offices however, will be acceptable where they are to other commercial uses or outside these areas set out above. The site is located outside the Core Central Activities Zone and therefore is not subject to the office to residential restriction set out in Policy S20. Furthermore, the application was submitted in August 2015, before the deadline of 1<sup>st</sup> September 2015 when the change in policy came into force.

#### **Residential use**

Policy S14 Westminster's City Plan: Strategic Policies states that residential use is a priority across Westminster, except where specifically stated and that the number of residential units on site will be optimised. Policy S15 of the City Plan also seeks to ensure that residential developments will provide an appropriate mix of units in terms of size, type and affordable housing provision to contribute towards meeting Westminster's housing needs and creating mixed communities.

The nine residential units will comprise of 4 x 1 bed flats, 3 x 2 bed flats and 2 x 3 bed flats. The proposed units are considered to be acceptable in terms of their size and layout. The

layout and size is detailed in the table below, which demonstrates that each unit exceeds the requirements set out in the GLA Housing Standards:

**Table 1. Location and size of residential units**

Location/ Unit No.	Size (GIA)	GLA minimum space standards
Basement- B.1 (1 bed) B.3 (1 bed)	67sqm 71sqm	50sqm 50sqm
Basement & Ground Floor B2 (2 bed)	131sqm	79sqm
Ground Floor G.1 (1 bed)	60sqm	50sqm
Ground and First Floor G.2 (3 bed)	149sqm	102sqm
First Floor 1.1 (2 bed)	109sqm	70sqm
Second Floor 2.1 (1 bed) 2.2 (2 bed)	74sqm 110sqm	50sqm 70sqm
Third Floor 3.1 (3 bed)	195sqm	95sqm
<b>Total- 9 (4 x 1 bed, 3 x 2 bed, 2 x 3 bed)</b>		

This development seeks to provide a mix of one, two and three bedroom flats. However the current provision of family sized units in this development is 22.2%, which does not meet the requirement of 33% as set out in Policy H5 of the UDP. This requirement however, will be applied with some flexibility. It is considered that in order to provide an additional family sized unit, this would have involved additional internal subdivision that would be likely to be considered harmful to these historic buildings.

The amendments during the course of the application have involved the addition of an additional unit, which further optimises the use of the site in accordance with policy S14. This proposal is considered to have the least harmful impact on the Grade II listed building. Given the number of units proposed, and the comments above regarding the listed fabric of the building, it is considered that in this instance it would be difficult to refuse permission on the grounds of not achieving the full requirement of family sized units.

### **Affordable housing**

Policy H4 of the UDP requires the provision of affordable housing within residential developments which proposed an increase of 10 residential units or more. Policy S16 of the City Plan reiterates this and states that where housing developments result in 10 new units or increases of 1000m<sup>2</sup> of residential floorspace, the provision of self-contained affordable housing will be required on site. Where the City Council considers this is not practical or viable the affordable housing can be provided off-site in the vicinity or a payment in lieu to the City Council's affordable housing fund may be accepted.



The current scheme provides an increase of approximately 1,431 sqm (GEA) of residential floorspace. No affordable housing is proposed (either on or off-site). On the basis of this site being located outside of the Core Central Activities Zone, the amount of affordable housing required is 160 m<sup>2</sup> (equivalent to two units). However, the applicant contends that on-site provision would be inappropriate and impractical given that a new residential core would need to be introduced which is likely to have a harmful impact upon this listed building and a registered social landlord is unlikely to take on two units.

The agent has advised that the applicant (Gloxinia Holdings Ltd) do not currently have any properties within central Westminster which can be brought forward for residential use in order to provide the equivalent residential provision.

Where it is neither practical nor viable to provide the required 160 sq.m (GEA) residential floorspace on site, off-site in the vicinity, or off-site not in the vicinity, a financial contribution towards the City Council's Affordable Housing Fund may be accepted as an alternative. The payment generated by the current scheme is £646,258 (based on the uplift in office floorspace of 1,431m<sup>2</sup> (GEA)).

However, the applicant claims that on site provision of affordable housing would render the scheme unviable and that there is no potential to contribute to the City Council's affordable housing fund.

The Council's independent viability consultant has provided an assessment, citing that due to documented increase in office values in Marylebone coupled with the potential decrease in residential values, the property no longer has the capacity to provide any payment/contribution towards affordable housing.

The Council's viability consultant has therefore concluded that this outcome is primarily through the passage of time since the property was originally purchased. There has been many changes to the property market which have led to an anticipated decrease in residential values, whilst having a positive impact on office premises. Accordingly there are no grounds for requiring an affordable housing contribution in this case.

## **8.2 Townscape and Design**

The buildings that are the subject of this application were built between 1800-1820 as part of the Portman Estate development and represent part of one of the most extensive and intact sequences of Georgian terraced houses in London.

The proposals entail the internal refurbishment of the lower ground to third floor inclusive for residential flats. Much of the proposed alteration is sympathetic to the special interest of the listed buildings, however there are elements of the scheme that are less welcome, such as the use of a bathroom pod designed as furniture in the principle rooms. Other parts of the proposal that are unacceptable such as the loss of floor boards or the installation of double glazing are dealt with by amending condition.

On balance and subject to appropriate conditions, the proposals are considered to be acceptable in design terms.



## 8.3 Residential Amenity

### Amenity of Proposed Units

Policy S29 of the City Plan requires that 'all new housing, and where possible refurbishment of existing housing, will provide a well-designed, high quality living environment, both internally and externally in relation to the site layout and neighbourhood'. The proposed residential units are all double aspect, ensuring that they have adequate outlook.

The three flats occupying the basement each have access to an external terrace (one being a family sized unit). The courtyard area situated between Unit B.2 and B.3 will be shared and screened with a 2m high screen translucent screen and this is considered to be adequate in order to maintain privacy.

The screen will not have any acoustic properties however it is considered that given the size (7 m<sup>2</sup> and 13 m<sup>2</sup>) of the terrace areas, they would be unable to accommodate large numbers of people within them. It is noted that there is an existing rear terrace to No. 93. Whilst the external areas may generate some level of noise and disturbance, this is not considered to be of a scale that would be so detrimental to the amenity of either occupiers of the basement floor flats, nor to the living conditions of the occupiers on the ground floor. The relationship of the terrace is no different to having adjacent terraces on the same elevation of a building.

### Daylight and Sunlight

A daylight and sunlight report has been submitted in order to assess whether the proposed residential flats would achieve adequate daylight and sunlight. The screen separating the basement terrace to flats B.2 and B.3 has been taken into account in the assessment.

#### Daylight

The Average Daylight Factor (ADF) is an accurate assessment of daylighting conditions within a room. The BRE report advises that where supplementary electric lighting is available, the recommended daylight factor levels for dwellings are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. The submitted report demonstrates that all rooms, other than three (identified as the kitchen in flat B.1 on basement floor and bedroom and kitchen in flat B.2 maisonette over basement and ground floor) would experience adequate light.

In respect to the unit B1, the kitchen, living room and dining room is located at the rear, where it can benefit from an external terrace. This room has an ADF of 1.12, below the requirement of 2.0. It is noted that if this room was relocated to the front, where the bedroom was located, both rooms would achieve ADF compliance. Consideration is given to the size of the rooms, with the larger room to the rear and its listed status, with internal alterations being difficult to achieve.

Unit identified as B.2 fails on one bedroom within the basement and the kitchen located at ground floor level. The existing building envelope is considered to have an impact on the light levels.

However both flats have access to external areas. An alternative solution could be to join the flats to form one flat; however this would result in the loss of one unit and would not optimise the site as required by the Council's housing policies. The agent will be advised by informative that some rooms may result in poor daylight.

Therefore, given the potential for additional heritage impacts on this listed building by altering the layout and that it is not unusual for light to habitable rooms to be significantly low in this urban location, on balance the scheme is considered acceptable and refusal on this basis could not be substantiated.

### Sunlight

The majority of windows for the new flats are within 90 degrees north and therefore are not required to be tested. The windows that have been tested comply with BRE guidance.

There are no extensions or change in the massing of the buildings and therefore there is no change to the daylight and sunlight of neighbouring properties. The resident at the rear of the site has objected to loss of light but this appears to be based on a misunderstanding that the current has extensions (and is probably a reference to the withdrawn application).

### Privacy

The development would not introduce windows in any elevation of the building that does not already contain windows. An objector has stated that the proposed residential use would reduce the privacy of neighbouring occupiers. The buildings have a mutual level of overlooking, and there are no conditions imposed restricting the hours the offices can be used. The new external amenity areas at basement level are all internal courtyards and would not increase any levels of overlooking. The situation for the terrace at the rear that is between the rear of the site and 11 Montagu Mews North (the objector's property) will remain as existing. The replacement of the offices with residential uses within this building is unlikely to result in the material loss of privacy to neighbouring properties and would not justify refusal of the application.

## 8.4 Transportation/Parking

No off street car parking is proposed for the new flats. UDP Policy TRANS 23 requires sufficient off-street parking to be provided in new residential schemes to ensure that parking pressure in surrounding streets is not increased beyond identified 'stress levels'.

2011 census figures indicate 32% of households in the Bryanston and Dorset Square ward have one or more cars. 'Stress levels' are considered to have occurred where the occupancy of on-street legal parking bays exceeds 80%. Within a 200m radius of the site, parking occupancy during the day is 86%; overnight parking occupancy reduces to 86%. Overnight residents can park on single yellow lines which further reduces the parking stress level to 44%.

The Highways Planning Manager has objected to the application due to the lack of on-street parking availability in the daytime. However, given the close proximity of this site to excellent public transport facilities including Marylebone and Baker Street underground stations, it is considered that permission should not be withheld for parking reasons.

The applicant has also agreed to provide lifetime membership of a car club for each of the residential units and this is dealt with by condition. Given these measures, the objection to increased parking demand and traffic, it is not considered that the application could be refused for parking reasons.

Cycle parking spaces are proposed. Four spaces are indicated in the communal hallway at basement level and four within one of the vaults in front of No. 95. FALP (Further Alterations to the London Plan) requires 1 cycle parking space per studio and one bedroom dwellings and two spaces per all other dwellings. Therefore the development should provide a minimum of 14 cycle parking spaces.

Given the nature of the development, it provides very little communal space where cycle storage could be provided and what is proposed is considered to be acceptable and shall be secured by condition.

### **8.5 Economic Considerations**

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

### **8.6 Access**

The existing entrance to No. 95 will form a private entrance to one of the maisonettes split over ground and first floor, with the existing entrance to No. 93 forming the main entrance to the remaining flats. The listed nature of the building makes it difficult to provide level access.

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

#### Noise

A Noise Report has been submitted which demonstrates that the internal living conditions of residents in the development, subject to the implementation of the recommendations providing within the noise report, will meet the daytime and night time noise criteria set out in UDP policy ENV 6.

#### Refuse /Recycling

The plans indicate a central bin store within two of the front vaults, which shall be secured by condition.

### **8.8 London Plan**

This application raises no strategic issues.

### **8.9 National Policy/Guidance Considerations**

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

### **8.10 Planning Obligations**

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

### **8.11 Environmental Impact Assessment**

There are no environmental impact issues associated with this proposed development.

### **8.12 Other Issues**

Plant

An objector comments that an air conditioning unit has been placed at the property. The agent has confirmed that this does not form part of the planning application and will submit a separate planning application for its retention in connection with the office use (if the office use is retained). This can therefore carry little weight in the determination of the application.

## **9. BACKGROUND PAPERS**

1. Application form
2. Response from Environmental Health, dated 21 September 2015
3. Response from Highways Planning, dated 30 September 2015
4. Letter from occupier of 11a Montagu Mews North dated 9 October and 4 May 2016

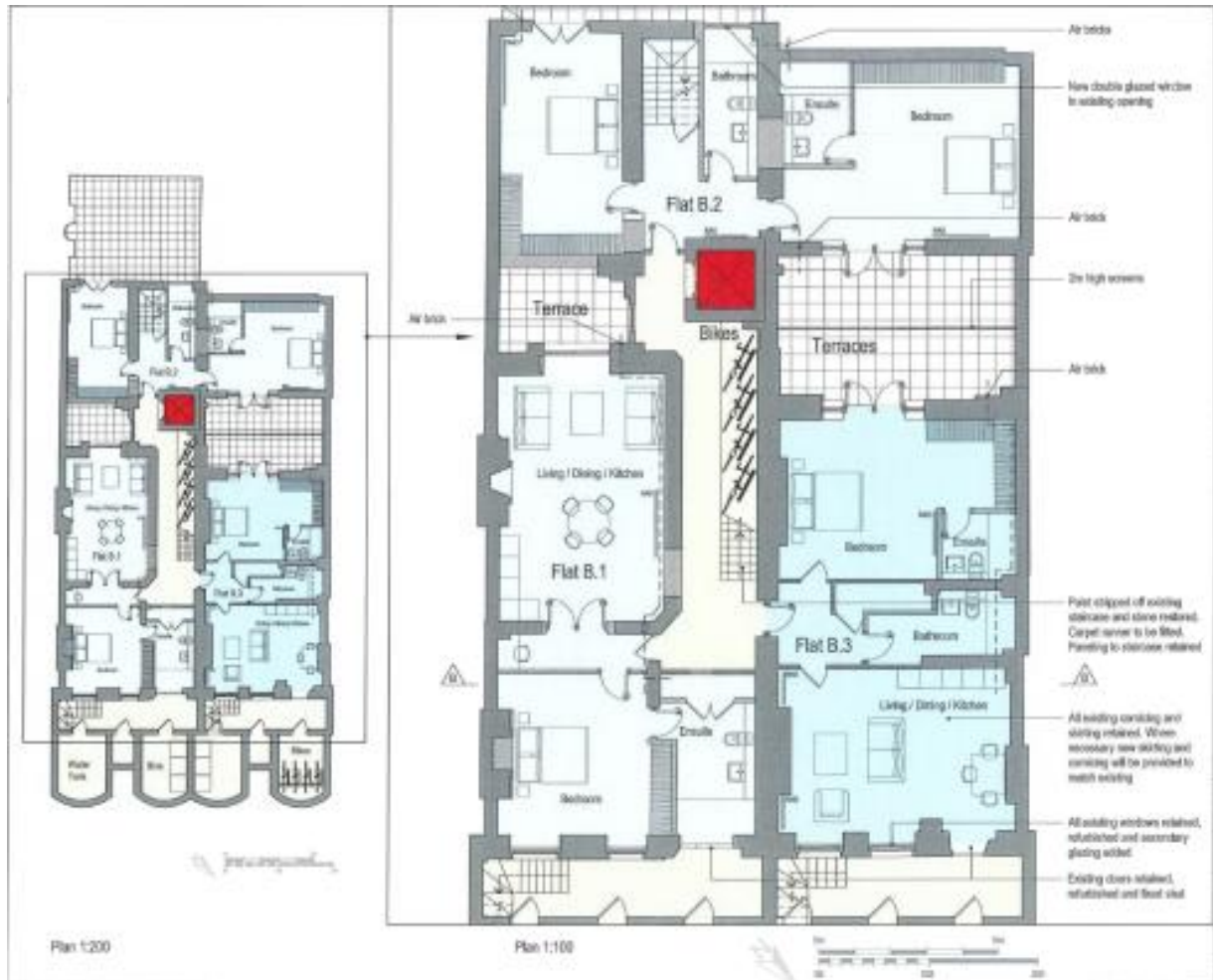
### **Selected relevant drawings**

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

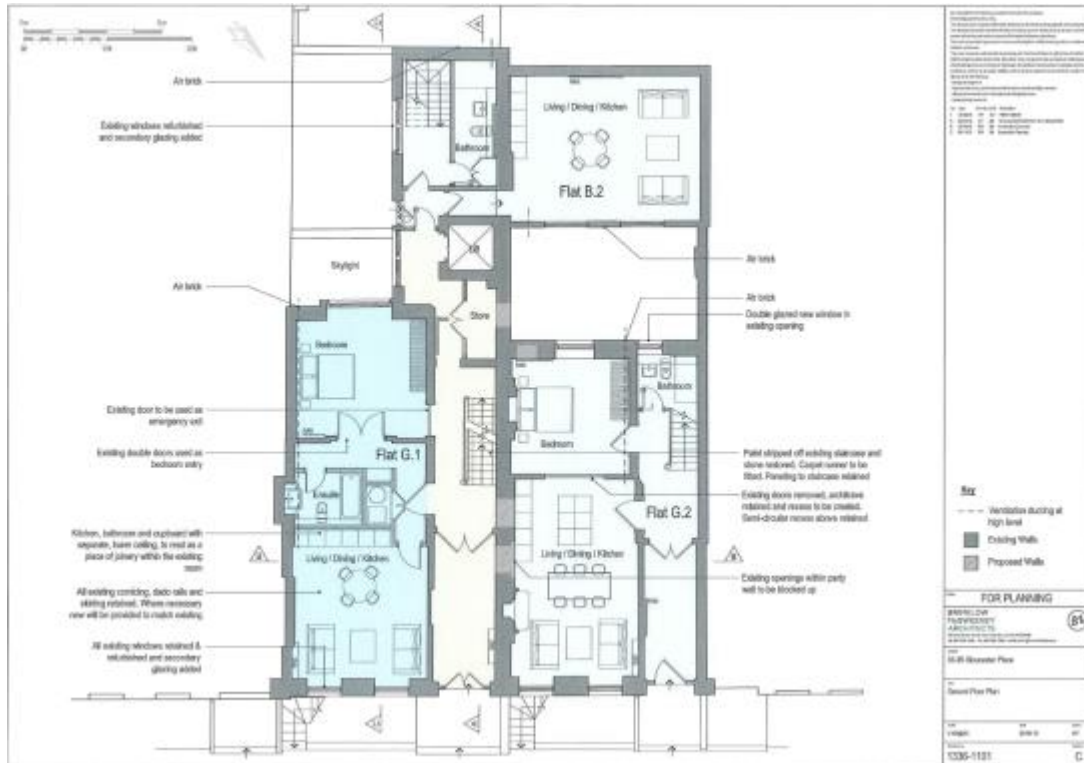
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: PAUL QUAYLE BY EMAIL AT [pquayle@westminster.gov.uk](mailto:pquayle@westminster.gov.uk)

### 10. KEY DRAWINGS

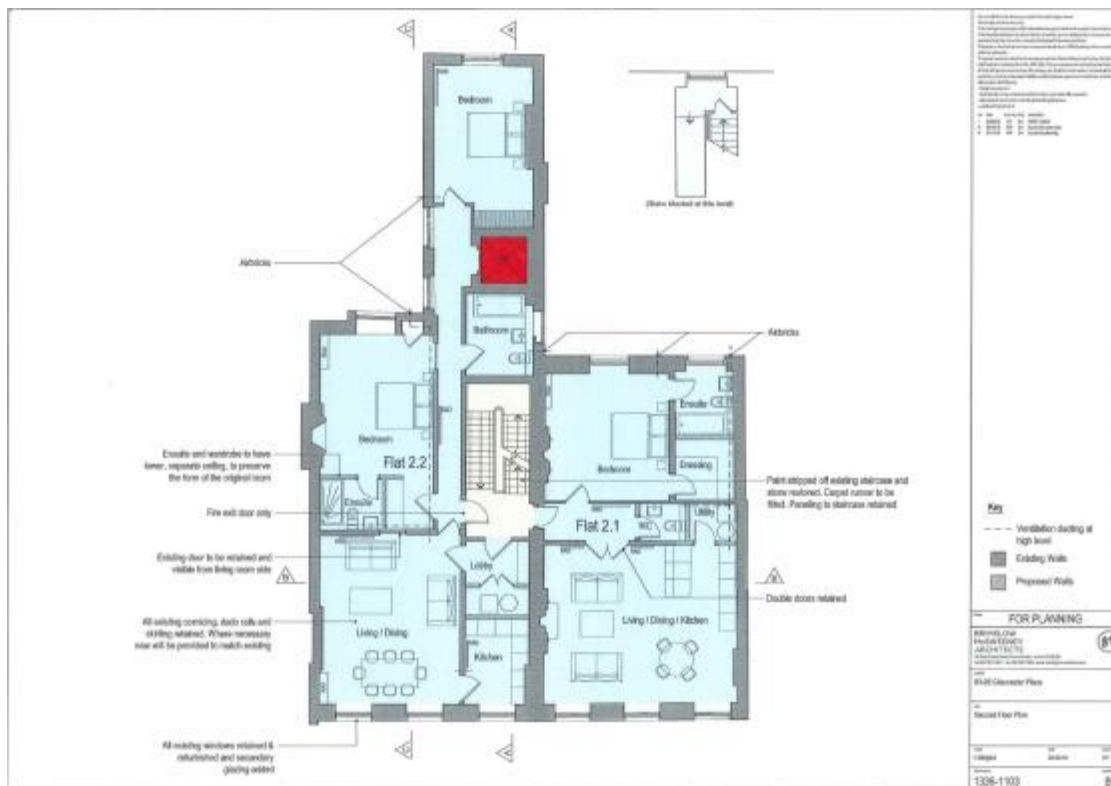
Drawing 1. Proposed basement plan



Drawing 2. Proposed ground floor plan



Drawing 3. Proposed first floor plan



Drawing 4. Proposed front elevation



Drawing 5. Proposed rear elevation





**DRAFT DECISION LETTER**

**Address:** 93 - 95 Gloucester Place, London, W1U 6JQ,

**Proposal:** Use of building as eight self contained residential flats (Class C3). Internal and external alterations.

**Reference:** 15/07789/FULL

**Plan Nos:** 1336-1100 B, 1336-1101 C, 1336-1102 C, 1336-1103 B, 1336-1104 B, 1336-1200 A, 1336-1201 B, 1336-1202, 1336-1300 A, 1336-1301 A, 1336-1302 A, 1336-1303 A.

**Case Officer:** Lindsay Jenkins **Direct Tel. No.** 020 7641 5707

**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 protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the Portman Estate Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1, DES 10 (A) and paras 10.108 to 10.146 of our Unitary Development Plan that we adopted in January 2007. (R26FD)
- 4 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.

- 5 Before the occupation of the units B.2 and B.3 as shown on the approved plans, you must install a 2m high translucent screen to the terrace at basement level.

Reason:

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

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

Reason:

To mitigate the demand for on-street car parking 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.

- 7 You must provide each cycle parking space shown on the approved drawings (1336-1100 B) prior to occupation. Thereafter the cycle spaces must be retained and the space used for no other purpose without the prior written consent of the local planning authority.

Reason:

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

- 8 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling will be stored separately. You must not start work on the relevant part of the development until we have approved what you have sent us. You must then provide the stores for waste and materials for

recycling according to these details, clearly mark the stores and make them available at all times to everyone using the residential units. (C14EC)

Reason:

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

- 9 You must apply to us for approval of detailed drawings (scale 1:20 and 1:5) of the following parts of the development - , i. new windows, , ii. new doors, , iii. new external light well finishes, , iv. privacy screens, , 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 drawings. (C26DB)

Reason:

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

- 10 You must apply to us for approval of detailed drawings (scale 1:20 and 1:5) of the following parts of the development - , i. new external service terminations eg kitchen and bathroom ventilation/extracts, , 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 drawings. (C26DB)

Reason:

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

- 11 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme- , i. no double glazing-all external doors and windows to be single glazed. , , You must not start on these parts of the work until we have approved what you have sent us. You must then carry out the work according to the approved drawings. (C26UB)

Reason:

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

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

Reason:

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

- 13 You must not attach flues, ducts, soil stacks, soil vent pipes, or any other pipework other than rainwater pipes to the outside of the building unless they are shown on the approved drawings. (C26KA)

Reason:

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

**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 Council considers that the amount of daylight into and the view that is likely from the unit B1 would not be enough for the use of these rooms as main living areas. (You are recommended to refer to the Housing Health and Safety Rating System - Housing Act 2004 guidance to obtain full details about the requirement for natural lighting and reasonable view.) The proposals have been accepted because the flat as a whole has enough main rooms with adequate daylight and reasonable views, and on the basis that the flat will be used as a single self-contained unit by one household. If any occupier in the future was to consider using the flat in a different way - for example, with those rooms referred to above (as having limited daylight and views) being used as living rooms or as living/bedrooms e.g. for staff accommodation, the flat is likely to be considered for action under the Housing Act 2004 by our Residential Environmental Health team; in those circumstances, that team would have the power to require works to improve daylight to the affected rooms or alternatively, where this is not practicable, to prohibit their use.
- 3 The development for which planning permission has been granted has been identified as potentially liable for payment of both the Mayor of London and Westminster City Council's Community Infrastructure Levy (CIL). Further details on both Community Infrastructure Levies, including reliefs that may be available, can be found on the council's website at: , [www.westminster.gov.uk/cil](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.**

**DRAFT DECISION LETTER**

**Address:** 93 - 95 Gloucester Place, London, W1U 6JQ,

**Proposal:** Internal and external alterations in connection with use of the building as none self-contained residential flats (Class C3).

**Reference:** 15/07790/LBC

**Plan Nos:** 1336-1100 B, 1336-1101 C, 1336-1102 C, 1336-1103 B, 1336-1104 B, 1336-1200 A, 1336-1201 B, 1336-1202, 1336-1300 A, 1336-1301 A, 1336-1302 A, 1336-1303 A.

**Case Officer:** Lindsay Jenkins

**Direct Tel. No.** 020 7641 5707

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

- 3 You must apply to us for approval of detailed drawings (scale 1:20 and 1:5) of the following parts of the development –
- i. new joinery,
  - ii. new windows,
  - iii. new doors,
  - iv. secondary glazing,
  - v. low level bathroom/kitchen units in principle rooms including details of servicing and drainage,
  - vi. new floor build up

vii. bathroom servicing and drainage in ground and first floors.

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 drawings. (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 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

4 You must apply to us for approval of a detailed method statement for the;

- i. cleaning of the facade,
- ii. repair of damaged decorative plasterwork,
- iii. cleaning of the stone stair,
- iv. iv. cleaning and repair of the fireplaces,
- v. lifting and re-fixing of original floor boards,
- vi. refurbishment work to the vaults.

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 drawings. (C26DB)

Reason:

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

5 You must apply to us for approval of detailed drawings (scale 1:20 and 1:5) of the following parts of the development

– new bathroom layout at third floor showing the retention of the existing fireplace.

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 drawings. (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 2.4 of our Supplementary Planning

Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 6 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 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 7 You must apply to us for approval of detailed drawings showing the following alteration(s) to the scheme-
- i. all existing floor boards and skirting's to be retained in situ,
  - ii. no loss of fireplace at lower ground floor (LG03).

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

Reason:

To protect the special architectural or historic interest of this listed building. 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 2.4 of our Supplementary Planning Guidance: Repairs and Alterations to Listed Buildings. (R27BC)

- 8 The facing brickwork must match the existing original work in terms of colour, texture, face bond and pointing. This applies unless differences are shown on the approved drawings. (C27CA)

Reason:

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

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

Reason:

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



- 10 All replacement slate to be replaced with natural welsh slate.

**Reason:**

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

**Informatives:**

- 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 character of this building of special architectural or historic interest., , In reaching this decision the following were of particular relevance:, S25 and S28 of Westminster's City Plan: Strategic Policies and DES 10 including paras 10.130 to 10.146 of the Unitary Development Plan, and paragraph 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.