

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

1. RECOMMENDATION

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

2. SUMMARY

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

The key issues for consideration are:

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

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

3. LOCATION PLAN



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4. PHOTOGRAPHS

View from corner of Seymour Place



View from Wythburn Place

5. CONSULTATIONS

THE MARYLEBONE ASSOCIATION

Any response to be reported verbally.

ENVIRONMENTAL HEALTH

No objection.

CLEANSING

No objection.

HIGHWAYS PLANNING MANAGER

Objection – lack of off-street car parking.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 325

No of replies: 10

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

Land use

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

Amenity

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

Design

- Increase in height and bulk.

Parking

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

Other

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

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

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

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

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

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

6.2 Recent Relevant History

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

7. THE PROPOSAL

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

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

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

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

8. DETAILED CONSIDERATIONS

8.1 Land Use

Residential use

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

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

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

8.2 Townscape and Design

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

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

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

8.3 Residential Amenity

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

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

Daylight and Sunlight

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

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

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

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

Flats 55-120 Bryanston Court

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

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

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

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

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

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

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

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

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

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

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

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

29 Upper Berkeley Street

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

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

30 Upper Berkeley Street

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

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

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

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

31 and 32 Upper Berkeley Street

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

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

34 Seymour Place (Wythburn Court)

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

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

Any sunlight reductions are also within acceptable parameters.

Privacy and sense of enclosure

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

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

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

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

Plant

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

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

Internal and External noise

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

8.4 Transportation/Parking

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

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

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

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

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

8.5 Economic Considerations

Any economic benefits generated by the scheme are welcomed.

8.6 Access

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

8.7 London Plan

This application does not raise any strategic issues.

8.8 National Policy/Guidance Considerations

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

8.9 Planning Obligations

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

The combined CIL payment for this development is estimated to be £269,391.24 (£35,525.56 Mayoral CIL and £233,865.68 WCC CIL).

8.10 Environmental Impact Assessment

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

8.11 Other Issues

Construction impact

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

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

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

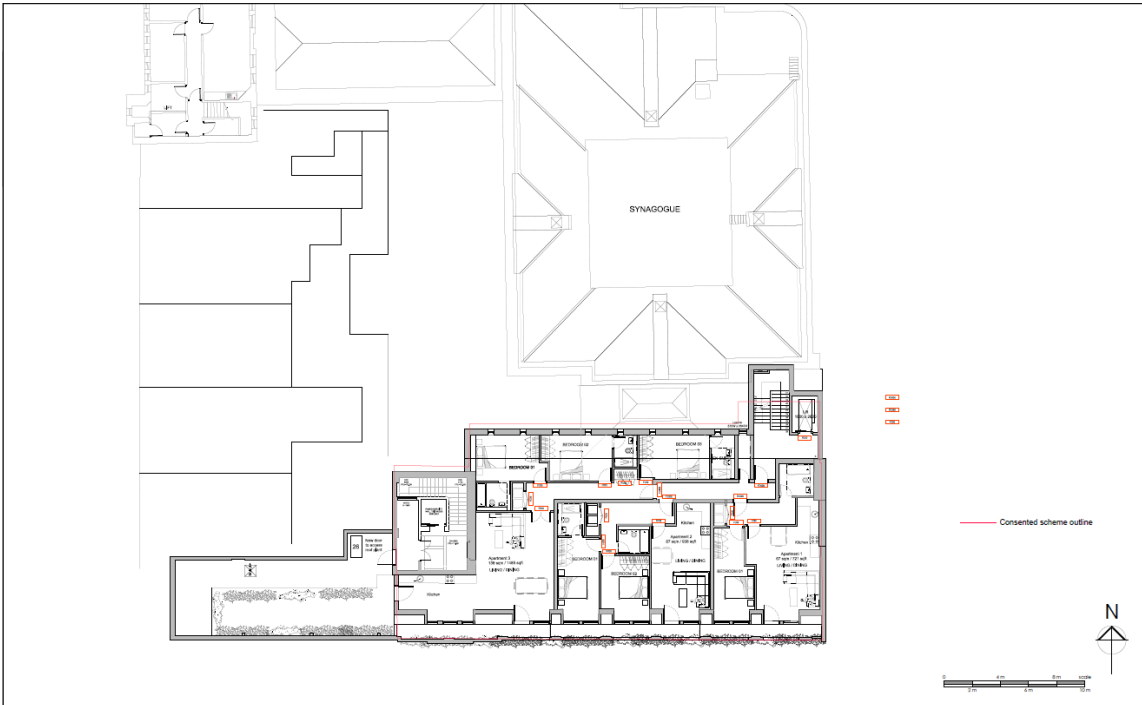
9. BACKGROUND PAPERS

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

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

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

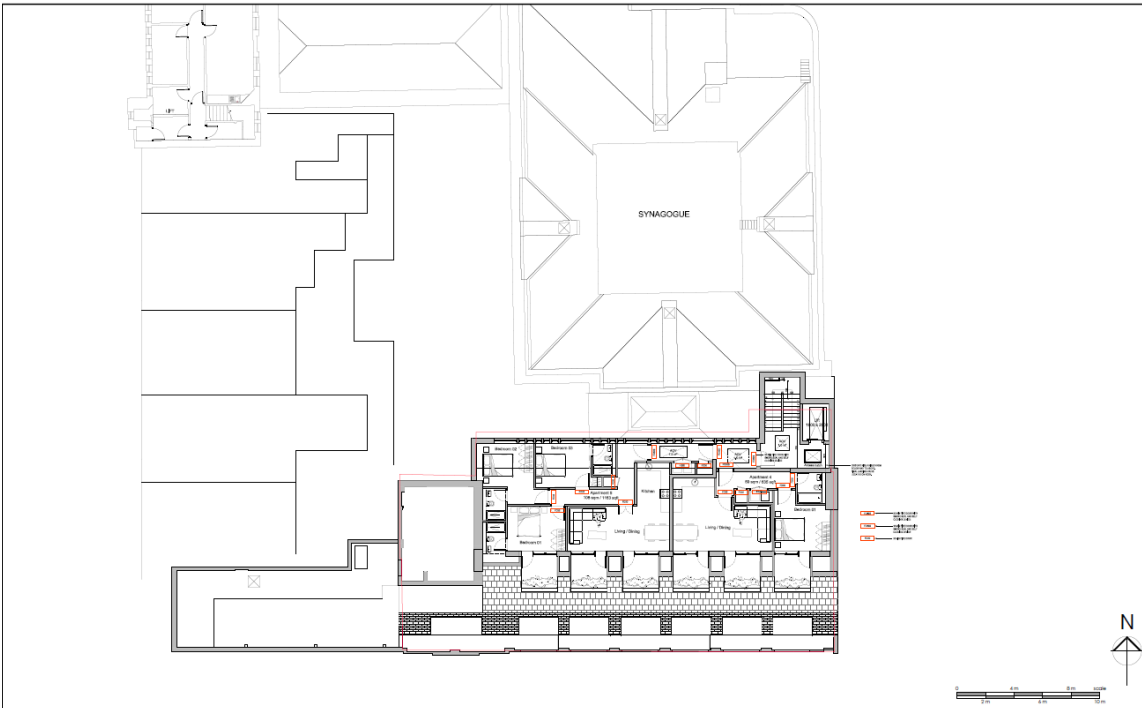
Proposed third and fourth floors



NO.	DATE	DESCRIPTION	BY	CHECKED	APPROVED
1	11/08/20	ISSUED FOR PLANNING			
2	11/08/20				
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PROPOSED THIRD FLOOR PLAN
 WLS Seymour Place Ltd
 1210 SP-S-20-03-08-01 P13
 PLANNING



NO.	DATE	DESCRIPTION	BY	CHECKED	APPROVED
1	11/08/20	ISSUED FOR PLANNING			
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SPPARC ARCHITECTS 33 SEYMOUR PLACE W1H 5AU
 147-154 HIGH STREET BROMFORD, LONDON W1C 2DE
 T +44 (0) 20 7546 4100 F +44 (0) 20 7546 4101
 www.spparc.com

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

DRAFT DECISION LETTER

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

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

Reference: 16/12027/FULL

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

Case Officer: Helen MacKenzie

Direct Tel. No. 020 7641 2921

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

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

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

Reason:

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

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

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

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

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

Reason:

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

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

Reason:

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

- 11 You must apply to us for approval of detailed drawings of the following parts of the development - Typical details of roof extensions - front and rear. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

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

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

Reason:

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

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

provides three separate rooms capable of being occupied as bedrooms.

Reason:

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

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

Reason:

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

Informative(s)

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

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

- 4 Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met:., , 1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety]., 2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises)., , This applies to both new and existing residential accommodation. Please see our website for more information: <https://www.westminster.gov.uk/short-term-letting-0>. , , Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year).
- 5 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 6 Conditions 6 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (182AA)

DRAFT DECISION LETTER

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

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

Reference: 16/12028/LBC

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

Case Officer: Helen MacKenzie

Direct Tel. No. 020 7641 2921

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

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

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

Reason:

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

- 6 You must apply to us for approval of detailed drawings of the following parts of the development - Typical details of roof extensions - front and rear. You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these detailed drawings. (C26DB)

Reason:

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

Informative(s)

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

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