

CITY OF WESTMINSTER			
PLANNING APPLICATIONS SUB COMMITTEE	Date 4 July 2017	Classification For General Release	
Report of Director of Planning		Ward(s) involved Marylebone High Street	
Subject of Report	4 Bingham Place, 19 Nottingham Place, London, W1U 5AT,		
Proposal	Demolition of 4 Bingham Place behind retained facade and erection of replacement three storey dwelling (Class C3) with one new basement level. Rear extensions at ground, first and part second floor levels in connection with existing use as Hotel (Class C1) at 19 Nottingham Place.		
Agent	HB Surveyors		
On behalf of	Lockbane Limited		
Registered Number	15/06433/FULL	Date amended/ completed	11 November 2016
Date Application Received	15 July 2015		
Historic Building Grade	Unlisted		
Conservation Area	Harley Street		

1. RECOMMENDATION

Refuse planning permission.

2. SUMMARY

The application site comprises a three storey mews building in Bingham Place which is linked to a larger five storey building on Nottingham Place. No 4 Bingham Place is a single family dwelling (Class C3), No 19 Nottingham Place is in use as a hotel (Class C1).

Permission is sought for the redevelopment of the mews building behind a retained façade to provide an enlarged residential dwelling. The proposal includes the provision of a new single basement level, and alterations to rear lightwells. The scheme would result in a reconfiguration of the lower floors of the hotel resulting in an overall slight reduction in hotel floorspace.

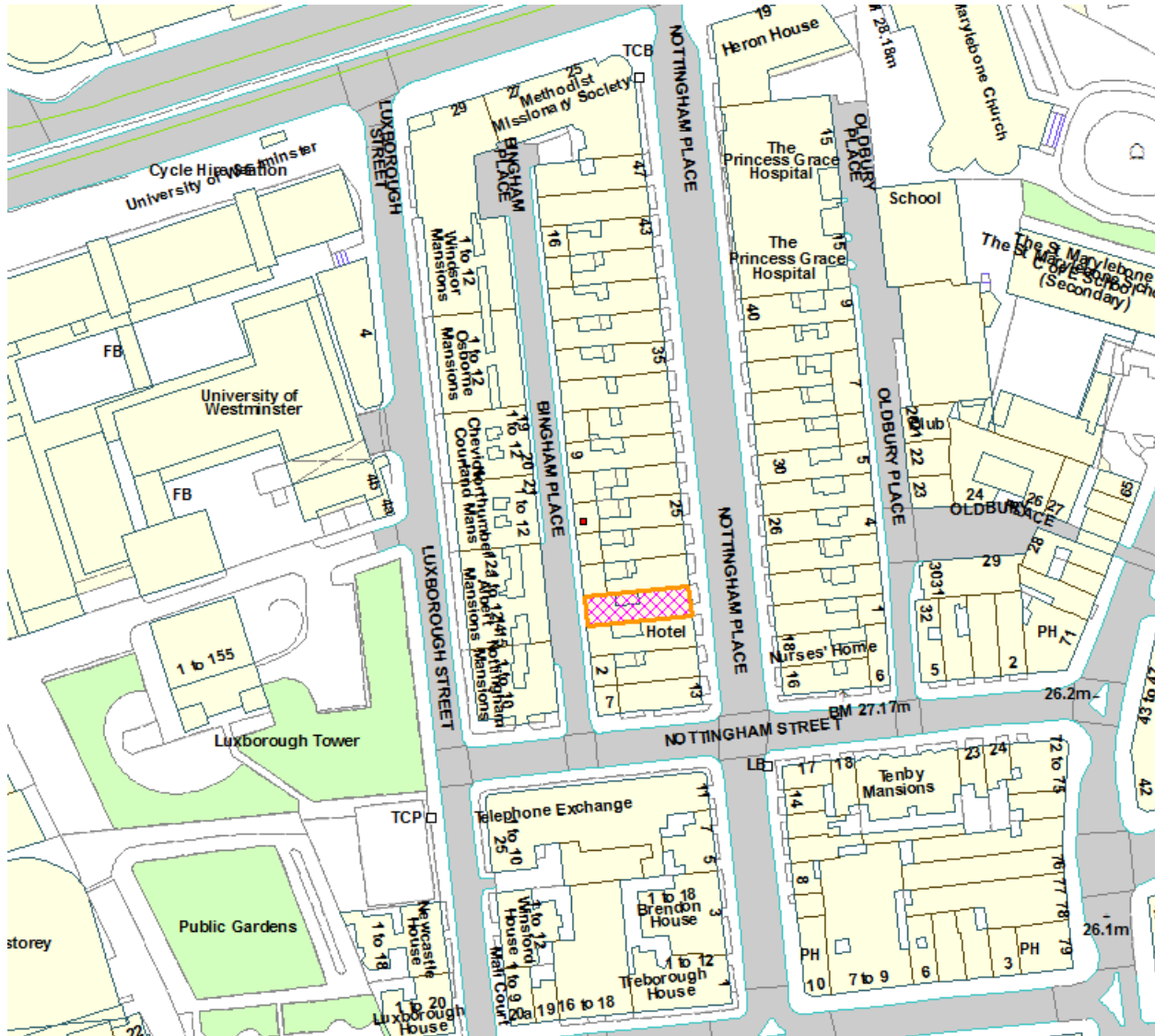
The key issues for consideration are:

- * The impact of the works in design terms, to the character and appearance of the Harley Street
- * The impact on residential amenity

The scheme is considered acceptable in land use and amenity terms. The existing small scale mews building is an unlisted building of merit which makes a positive contribution to the Conservation Area. Although the application refers the front façade being retained, it is evident that the proposal would

involve its substantial demolition and rebuilding. The new building is considered to be a poor design which would be harmful to the character and appearance of the Harley Street Conservation Area, contrary to UDP policies DES1, DES4, DES6 and DES9. The application is therefore recommended for refusal.

3. LOCATION PLAN



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4. PHOTOGRAPHS

Photograph 1. Front elevation of the mews property at 4 Bingham Place



Photograph 2: View from upper floors of No. 19 Nottingham Place to rear of 4 Bingham Place



5. CONSULTATIONS

ORIGINAL APPLICATION (which included 2 x new basements)

MARYLEBONE ASSOCIATION

Any response to be reported verbally

BUILDING CONTROL

No objection

HIGHWAYS PLANNING MANAGER

No objection; comment that if a street light on the front façade is to be removed the applicant should contact the Council's Asset Manager for Public Lighting.

ENVIRONMENTAL HEALTH

No objection;

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 128, Total No. of replies: 8

No. of objections: 8

8 objections have been received raising some or all of the following issues;

Amenity

Loss of daylight, sunlight and privacy.

Design

Increase in height is unacceptable, harmful to the mews.

Harm to the character and appearance of the conservation area.

The street lamp should be retained

Highways

Adverse impact on traffic, parking and servicing

Basement and Construction issues

Extensive excavation would result in structural damage to neighbouring properties

The scheme needs to be assessed against the City Council's new basement policy

Noise and disturbance, and increase in pollution

Other

A legal commitment must be given by the council that any subsequent increase of insurance costs or resultant damage to any property and their owners are compensated financially.

The scheme seeks to exploit high market values

Inadequate refuse provision

Revised Application (involving deletion of 2nd basement level and design changes)

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 136, Total No. of replies: 0

PRESS ADVERTISEMENT / SITE NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

The application site comprises three storey mews building (ground, first and second floors) in use as a three bedroom single family dwellinghouse (Class C3). The mews house is linked at rear ground floor level to 19 Nottingham Place which is in use as a 20 bedroom hotel (Class C1). The buildings are in the same ownership. The residential mews building is occupied by the hotel manager. The link provides access for the manager between both buildings.

The buildings are not listed situated within the Harley Street Conservation Area. The site is located outside the Core Central Activities Zone (CAZ), within the wider CAZ.

Relevant History

None relating directly to either No's 4 Bingham Place or 19 Nottingham Street.

5 Bingham Place (adjacent) on 27 October 2015 permission was granted for a mansard roof extension and the excavation of a new double basement to form a larger single family dwelling (RN: 15/02805/FULL).

7. THE PROPOSAL

The application initially sought permission for redevelopment of the No 4 Bingham Place to provide a five storey residential dwelling including two basement levels. Further to protracted negotiations the 2nd basement level has been omitted from the proposal, and the application is now described as redevelopment behind a retained front façade. The scheme involves rear extensions at ground to 2nd floor levels and new rear lightwells.

The scheme will result in an enlarged mews house in use as a single family dwelling, and a reconfiguration of the layout of the hotel at 19 Nottingham Place. This would result in a slight reduction in hotel floorspace and the loss of one guest bedroom, but provide enlarged kitchen and dining areas. These changes do not require the provision of any new plant or ventilation for the hotel. There is an existing extract duct rising up the rear elevation which will remain in situ. Access between the mews building and hotel will be retained.

8. DETAILED CONSIDERATIONS

8.1 Land Use

	Existing (GIA) m ²	Proposed (GIA) m ²	Net Loss/Gain (GIA) m ²
Hotel	446.9	437.60	- 9.3
Residential	104.3	168.7	64.4
Total	551.2m²	606.3	+55.1

Residential (Class C3)

The scheme proposes the provision of an enlarged residential dwelling through the conversion of small areas of hotel floorspace at basement, ground and first floor levels and the creation of a new single basement. The increase in residential floorspace accords with UDP Policy H3 and City Plan Policy S14.

Hotel (Class C1)

The site is located within Marylebone in an area mixed use in character. The scheme would result in the reconfiguration of the hotel. Overall there would be a slight reduction in hotel floorspace with a reduction in the number of bedrooms from 20 to 19. The hotel use is longstanding and has been operating without any complaints. The proposed reconfiguration of the hotel is considered acceptable in accordance with City Plan policy S23 and UDP policy TACE 2(c).

8.2 Townscape and Design

4 Bingham Place is a traditionally detailed brick mews house located within the Harley Street Conservation Area. It is identified as an unlisted building of merit in the adopted conservation area audit SPG. The front elevation has been altered and partially rebuilt with changes to the openings and parapet at first floor level but it nonetheless retains its original character and scale and it contributes positively to the character and appearance of the area.

Bingham Place as a whole is lined with small, stock brick mews style houses, all characterised by their simple, traditional materials, detailing and proportions. Many have had mansard roof extensions added and the street displays some variety in building heights and detail. However, this slight variation in heights adds to the character of the street and the slightly smaller scale of the application building also adds to its charm. The applicants were advised that demolition behind the retained façade is likely to be acceptable in principle in this location and they have indicated this is their intention. However, submitted proposals raise the height of the front façade substantially and there will also be significant demolition and rebuilding associated with creation of new windows at first floor level, which means that effectively the building will be rebuilt above ground floor level. Further, given that proposals also involve basement excavation, it is highly unlikely that any of the façade will be retained.

To the rebuilt façade the parapet height would be raised to align with no. 5, introducing more consistency to the roofscape and losing the current step down in heights. The larger floor to ceiling heights created would also change the proportions of the façade and introduce significant areas of new brickwork between ground and first floor windows and to the raised parapet, creating a patchwork of detail, lacking overall coherence. There were a number of objections received in relation to the size and height of the new building.

With regards to the rear extensions, these are large and will infill the gap between the mews and Nottingham Place, which is not desirable. However, the majority of properties along this stretch of mews have been significantly extended and a similar proposal was permitted at the adjoining property no.5. The extensions will be in brick with timber

windows and a small lightwell will be retained at the rear. This element of proposals is therefore acceptable. The basement storey does not involve any external alteration to the front and is also acceptable in design terms.

Overall, however, given the proposed substantial demolition and rebuilding of the front façade of this unlisted building of merit, the increase in height, patchwork of brickwork and poor quality of detailing to the retained façade of the proposed replacement building, this proposal would be of poor design and cause harm the character and appearance of the Harley Street Conservation Area and would not meet our UDP policies DES1, DES4, DES6 and DES9. There are no public benefits associated with this proposal which outweigh the harm caused to the conservation area.

8.3 Residential Amenity

Daylight and Sunlight

A daylight and sunlight assessment has been submitted with the application which assesses the impact of the development with regard to Building Research Establishment guidelines (BRE).

The following residential properties that have been assessed 3 and 5 Bingham Place, 17 and 21 Nottingham Place, 1-12, 1-10 and 14-15 Luxborough Street (including Albert Mansions and Nottingham Mansions).

Objections have been received on behalf of flats 6 and 11 Albert Mansions and from the Albert Mansions management company Luxborough Street that the scheme would result in a loss of daylight and sunlight. Albert Mansions is located on the western side of Bingham Place opposite the site.

Daylight

Under the BRE guidelines the amount of daylight received to a property may be assessed by the Vertical Sky Component which is a measure of the amount of sky visible from the centre point of a window on its outside face. If this achieves 27% or more, the window will have the potential to provide good levels of daylight. The guidance suggests that daylight may be adversely affected if the VSC levels are reduced by 20% or more and the resulting VSC level is less than 27%.

The scheme will result in a relatively minor increase in height of the mews building. The daylight report demonstrates that there would be no material loss of light. The losses are small scale ranging between 0.1 and 2.6 %. The proposal therefore accords with BRE guidelines. Objections that the scheme would result in a loss of daylight are not sustainable.

Sunlight

Annual probable sunlight hours (APSH) is a measure of sunlight that a given window may expect over a year period. The BRE guidance recognises that sunlight is less important than daylight in the amenity of a room and is heavily influenced by orientation. North facing windows may receive sunlight on only a handful of occasions in a year, and windows facing eastwards or westwards will only receive sunlight for some of the day. Therefore,

BRE guidance states that only windows with an orientation within 90 degrees of south need be assessed.

BRE guidance recommends that the APSH received at a given window should be at least 25% of the total available, including at least 5% in winter. Where the proposed values fall short of these, and the loss is greater than 4% over the whole year or more than 20% in either the summer or winter months the guidelines state that the loss of sunlight would be noticeable.

The objections from residents at Albert Mansions, Luxborough Street are to a loss of sunlight. Albert Mansions does not however face within 90 degrees of due south and therefore is not required to be analysed for the purposes of sunlight under the BRE guidelines. The report has assessed all windows facing 90 degrees of due namely windows at 3 and 5 Bingham Place and 17 and 21 Nottingham Place. In all cases there would be no material loss of sunlight and the scheme complies with the BRE guidelines in respect of sunlight.

Overlooking

The objections from Albert Mansions Luxbrough Street are also to overlooking. The scheme would not materially change the existing position. There would be no increased overlooking between the buildings. This aspect of the application is considered acceptable.

8.4 Transportation/Parking

Objections have been raised that the proposed development will result in increased traffic, congestion, servicing and pressure on parking

The scheme would extend an existing residential premises and would not result in an intensification of the hotel use. The highways planning manager has raised no objection and the application is considered acceptable in highways terms.

8.5 Economic Considerations

The economic benefits are welcomed.

8.6 Access

Access will be unchanged from existing; the hotel will continue to be accessed from Nottingham Place and the mews dwelling will be accessed from Bingham Place. The link between the buildings is retained however the mews property will be retained as a separate residential dwelling (Class C3).

8.7 Other UDP/Westminster Policy Considerations

Refuse /Recycling

An objection has been received that details of refuse waste storage have not been provided. The scheme will not result in a significant change in potential refuse provision however had the application been considered acceptable in design terms it is recommended that details of refuse storage would have been secured by condition.

8.8 London Plan

The 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.

The estimated CIL payment is £64,476

Formal determination of the CIL liability will be made by Westminster Council when a Liability Notice is issued after the CIL liable application is approved and the final figure might change due to indexation.

8.11 Environmental Impact Assessment

The proposal is of insufficient scale to require the submission of an Environmental Statement.

8.12 Other Issues

Basement

Three objections have been received from nearby residents raising concern about the impact of the proposed basement works on ground stability, structural integrity of the surrounding buildings.

As the basement excavation will be to the residential part of the site, to an existing residential property and the site's location outside of the Core CAZ means that the basement excavation should be assessed under Parts A, B and C of City Plan Policy CM28.1.

The policy seeks to control the depth and size of new basements. The policy requires basements to be single storey only and not extend beyond more than 50% of a garden. The application has been revised omitting a second basement and now proposes a single storey basement. The site is entirely covered by buildings and impermeable surfaces with no garden area. There is a rear lightwell which will be slightly enlarged and relocated. The provision a single storey basement accords with the basement policy.

Structural Issues

The objections received refer to potential adverse structural impacts to neighbouring properties. A structural report by Elliott Wood has been submitted in support of the application. The report identifies that the excavation of the basement would not result in harm to neighbouring properties. Any report by a member of the relevant professional institution carries a duty of care which should be sufficient to demonstrate that the matter has been properly considered at this early stage.

Building Control officers have reviewed the submitted details and raise no objection to the application. Whilst this satisfies the policy for the purposes of determining this planning application, detailed matters of engineering techniques, and whether these secure the structural integrity of the development and neighbouring buildings during the course of construction, are controlled through other statutory codes and regulations as cited above. To go further would be to act beyond the bounds of planning control. Accordingly should permission be granted, the structural statement will not be approved, nor will conditions be imposed requiring the works to be carried out in accordance with it.

As such it is considered that the construction methodology and appendices have provided sufficient consideration of structural issues at this stage and this is as far as this matter can reasonably be taken as part of the consideration of the planning application.

Construction impact

Objections have been made on the grounds that construction would result in nuisance to the occupants of surrounding dwellings. The City Council published its Code of Construction Practice was in July 2016. This is designed to monitor, control and manage construction impacts on sites throughout Westminster. It applies to all basement developments from September 2016.

The publication of the Code represents a fundamental shift in the way the City Council deals with the construction impacts of developments. In recognition that there is a range of regulatory measures available to deal with construction impacts and that planning is the least effective and most cumbersome of these, the new approach is for a condition to be imposed requiring the applicant to provide evidence that any implementation of the scheme (by the applicant or any other party) will be bound by the Code. The applicant has confirmed that the development would be carried out in accordance with the City Council's COCP. Had the application been considered acceptable in all other aspects a condition would have been recommended requiring adherence to the COCP.

Flood Risk

City Plan policy CM28.1. requires all basement developments to demonstrate that the site specific ground conditions, drainage and water environments in the area of the development have been considered. A Flood Risk Assessment by Elliot Wood has been submitted which identifies the site being within an area of high risk from surface water flooding ('Flooding Hotspot 7'). The site also lies within Flood Zone 1 where there is a low risk of flooding.

The drainage at basement level will be pumped via a submersible packaged pumping station, which will include dual pumps, non-return valves, alarms and telemetry. The Flood Risk Assessment concludes that there is a low risk of flooding and the proposed development will not increase the risk of flooding elsewhere.

Again a condition would have been recommended requiring that all measures set out in the Flood Risk Assessment are implemented.

Air Quality

Objections received raise concerns that the development will increase localised air pollution. This aspect of the development would be covered under the COCP had the scheme been recommended favourably.

Means of escape

The internal arrangement of the residential dwelling at 4 Bingham Place has been revised. Environmental Health does not raise any objections to the revision and the residential dwelling is considered to have adequate means of escape.

Other issues

Objections have been received that the proposal seeks to exploits high market values , and that if consent is granted the City Council would be liable for any damage to neighbouring properties. These are not however planning matters and permission could not be withheld on this basis.

9. BACKGROUND PAPERS

1. Application form
2. Response from Building Control, dated 9 January 2017
3. Response from Environmental Health, dated 12 December 2016
4. Response from Highways Planning Manager, dated 13 December 2016
5. Letter from occupier of 8 Albert Mansions, Luxborough Street, dated 9 January 2017
6. Letter from occupier of Flat 11, Albert Mansions, Luxborough Street, dated 10 January 2016
7. Letter from occupier of 1A Nottingham Mansions, Nottingham Street, dated 12 January 2016
8. Letter from occupier of 6 Albert Mansions, Luxborough Street, dated 13 January 2016
9. Letter from occupier of 8 Bingham place, London, dated 14 February 2016
10. Letter from occupier of 11 Albert Mansions, Luxborough St, dated 26 February 2016
11. Letter from occupier of Flat 11 Northumberland Mansions, Luxborough St, dated 26 February 2016
12. Letter from occupier of 21 Bingham Place, dated 27 February 2016

Selected relevant drawings

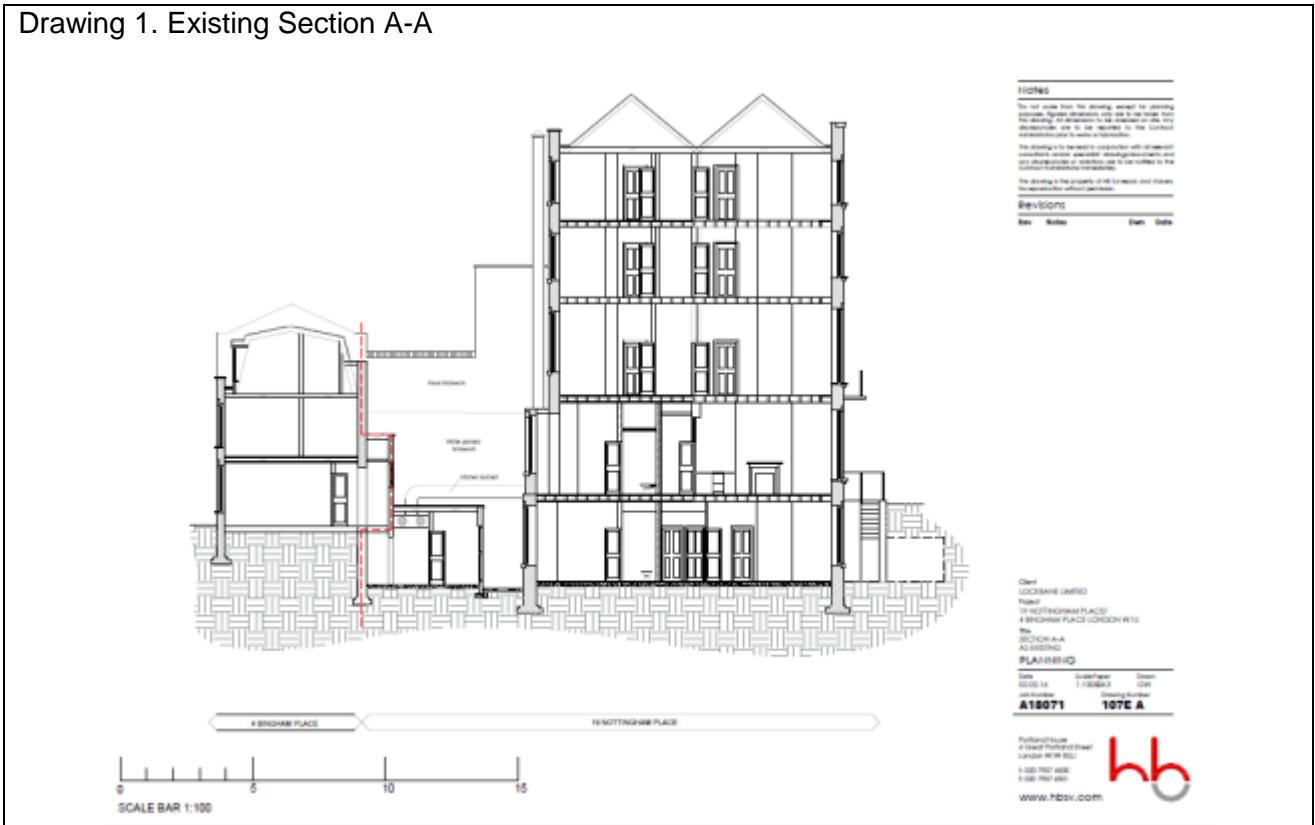
(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

Item No.

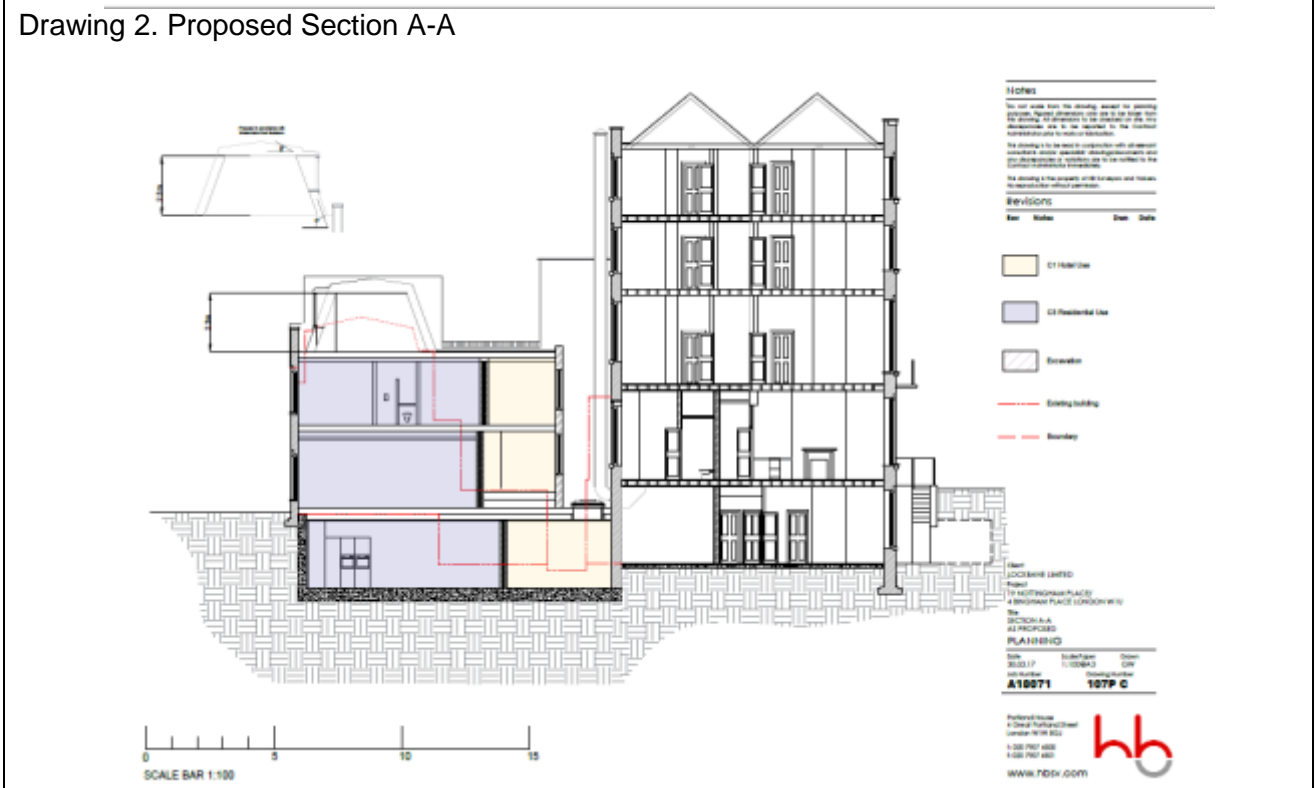
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MIKE WALTON BY EMAIL AT mwalton@westminster.gov.uk

10. KEY DRAWINGS

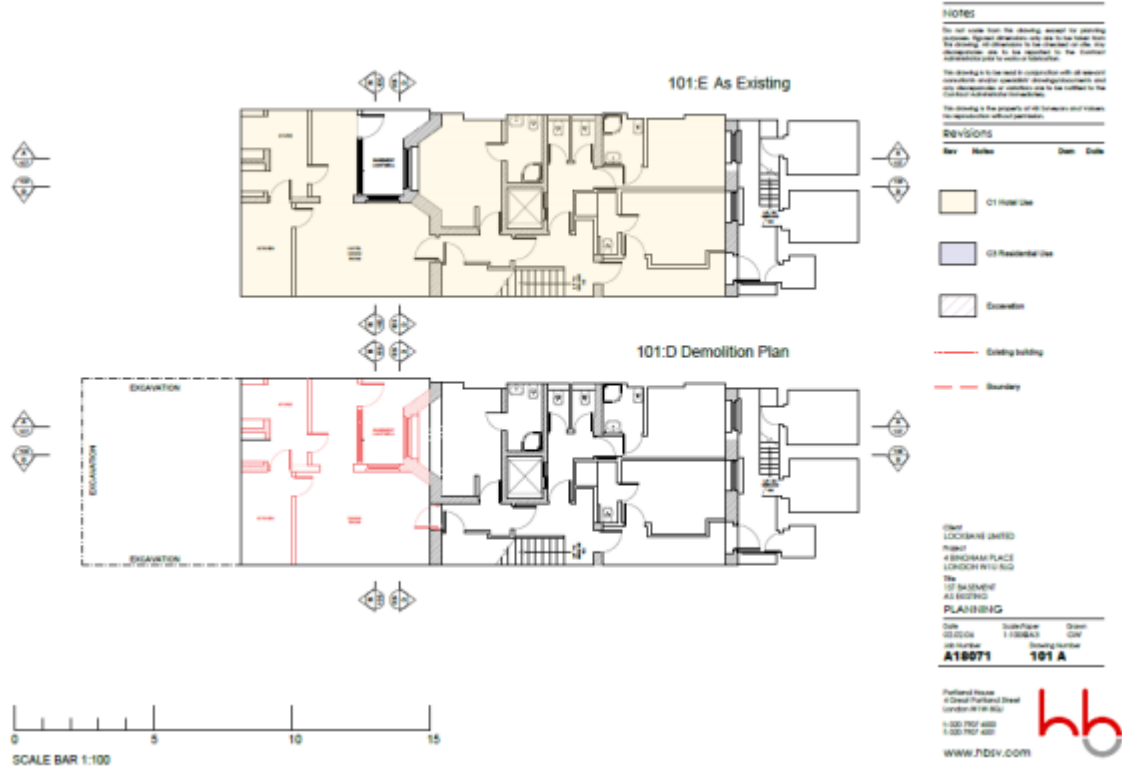
Drawing 1. Existing Section A-A



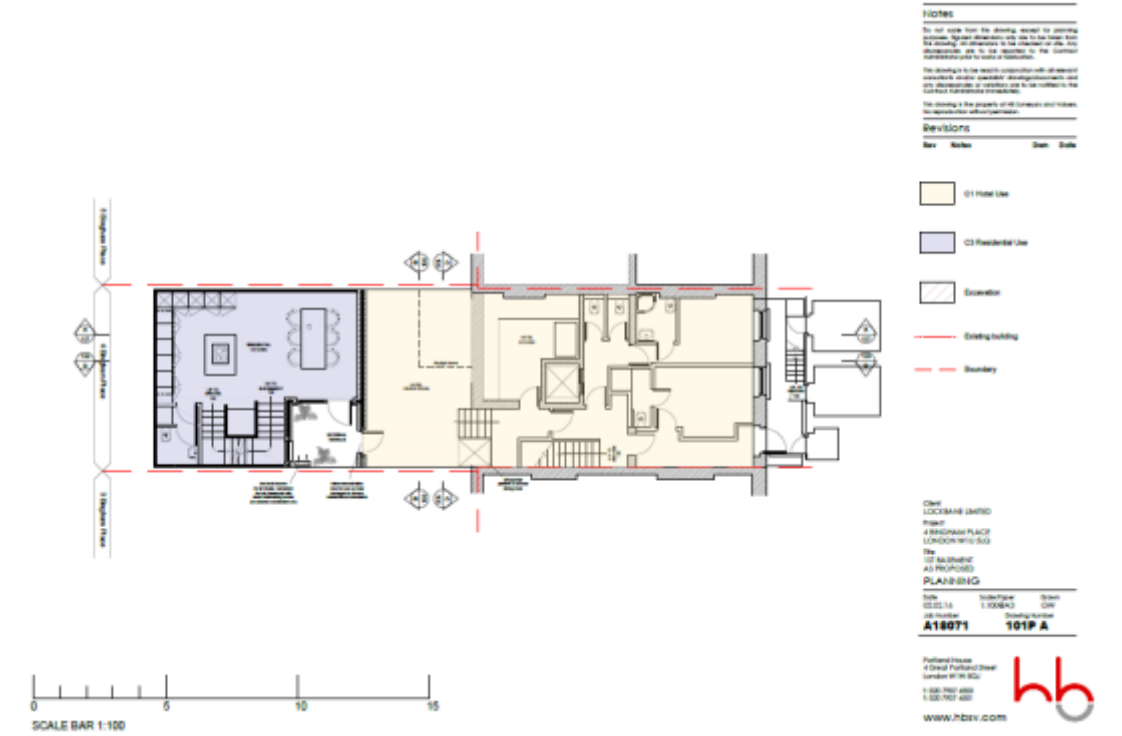
Drawing 2. Proposed Section A-A



Drawing 3. Existing and demolition plans at basement level



Drawing 4. Proposed basement level



DRAFT DECISION LETTER

Address: 4 Bingham Place, London, W1U 5AT,

Proposal: Demolition of 4 Bingham Place behind retained facade and erection of replacement three storey dwelling (Class C3) with one new basement level. Rear extensions at ground, first and part second floor levels in connection with existing use as Hotel (Class C1) at 19 Nottingham Place.

Reference: 15/06433/FULL

Plan Nos: 101P A, 102P A, 103P B, 104P A, 105P A, 106P A, 107P C, 108P C, 109P C, 110P B, 111P A. Flood Risk Assessment, 2150756 P2 dated 19.04.17.

Case Officer: Lindsay Jenkins

Direct Tel. No. 020 7641 5707

Recommended Condition(s) and Reason(s)**1 Reason:**

Because of the extent of demolition to the front façade, and the height, alterations and detailed design of the replacement façade, the proposed redevelopment would be of poor design and would fail to maintain or improve (preserve or enhance) the character and appearance of the Harley Street Conservation Area. This would not meet S25 and S28 of Westminster's City Plan (November 2016) and DES1, DES4, DES5, DES 6 and DES9 and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007.

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way so far as practicable. 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 the applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition further guidance was offered by the case officer to the applicant during the processing of the application to identify amendments to address those elements of the scheme considered unacceptable. However, the necessary amendments to make the application acceptable are substantial and would materially change the development proposal. They would require further consultations to be undertaken prior to determination, which could not take place within the statutory determination period specified by the Department of Communities and Local Government. You are therefore encouraged to consider submission of a fresh application incorporating the material amendments set out below which are necessary to make the scheme acceptable. , , Required amendments: , - Retention of the front facade, - Retention of the parapet height as existing

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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.