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

1. RECOMMENDATION

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

2. SUMMARY

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

The key issues for consideration are:

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

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

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

3. LOCATION PLAN



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4. PHOTOGRAPHS



5. CONSULTATIONS

FITZROVIA NEIGHBOURHOOD ASSOCIATION

Any response to be reported verbally

HIGHWAYS PLANNING

No objection subject to conditions

ENVIRONMENTAL HEALTH

No objection subject to conditions

BUILDING CONTROL

No objection

ADJOINING OWNERS AND OCCUPIERS:

No. consulted: 25

No. responded: 2

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

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

SITE AND PRESS NOTICE: Yes

6. BACKGROUND INFORMATION

6.1 The Application Site

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

6.2 Recent Relevant History

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

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

7. THE PROPOSAL

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

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

8. DETAILED CONSIDERATIONS

8.1 Land Use

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

8.2 Townscape and Design

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

Additional Storey:

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

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

Ground Floor:

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

Rear Windows:

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

First Floor Openings, Front Elevation:

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

Basement:

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

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

8.3 Residential Amenity

Sunlight and Daylight:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sense of Enclosure and Overlooking:

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

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

Rear Elevation Windows:

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

8.4 Transportation/Parking

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

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

8.5 Economic Considerations

Not applicable

8.6 Access

Access arrangements will remain unchanged.

8.7 Other UDP/Westminster Policy Considerations

Plant:

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

Refuse /Recycling:

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

8.8 London Plan

This application raises no strategic issues.

8.9 National Policy/Guidance Considerations

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

8.10 Planning Obligations

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

8.11 Environmental Impact Assessment

Not applicable

8.12 Other Issues

Basement:

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

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

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

9. BACKGROUND PAPERS

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

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

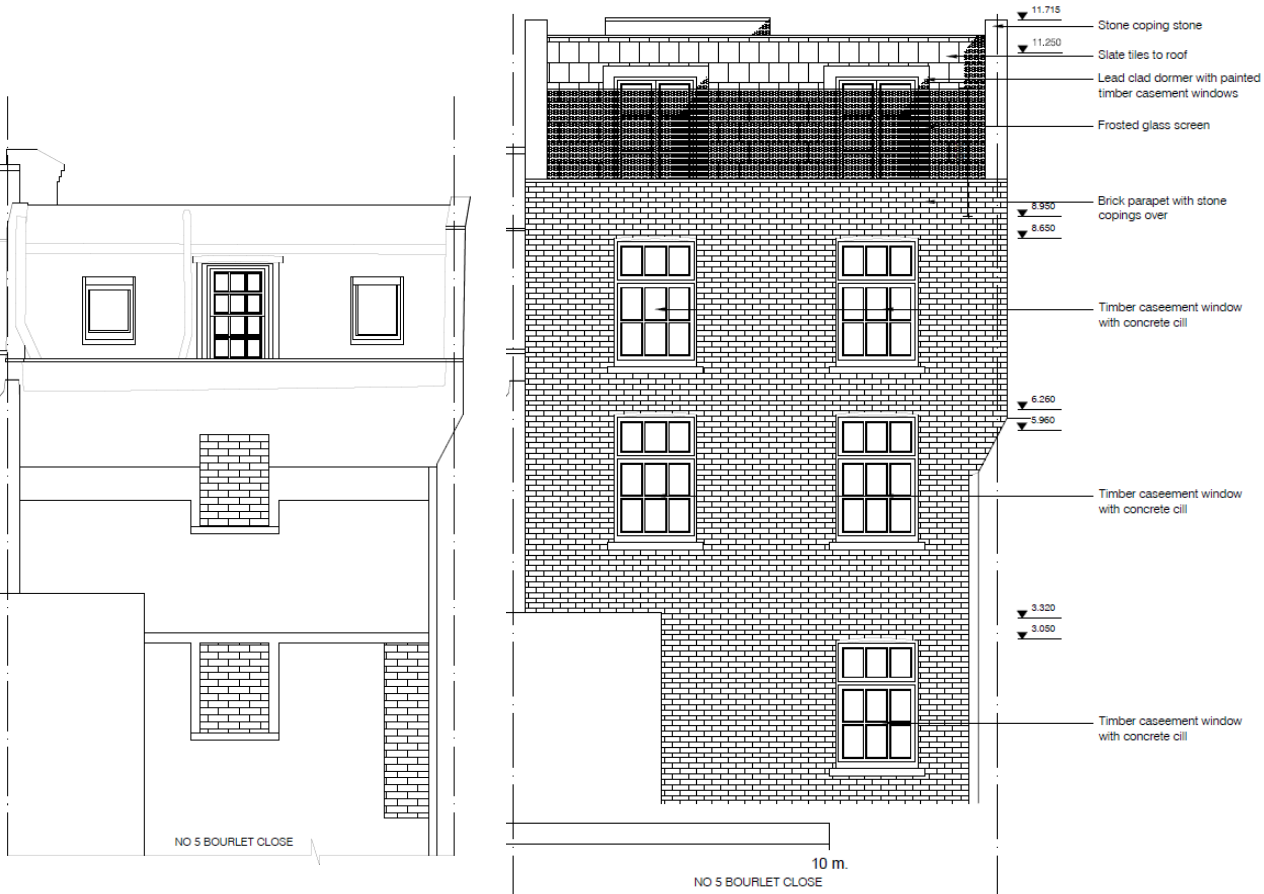
IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICER: MARK HOLLINGTON BY EMAIL AT mhollington2@westminster.gov.uk

10. KEY DRAWINGS

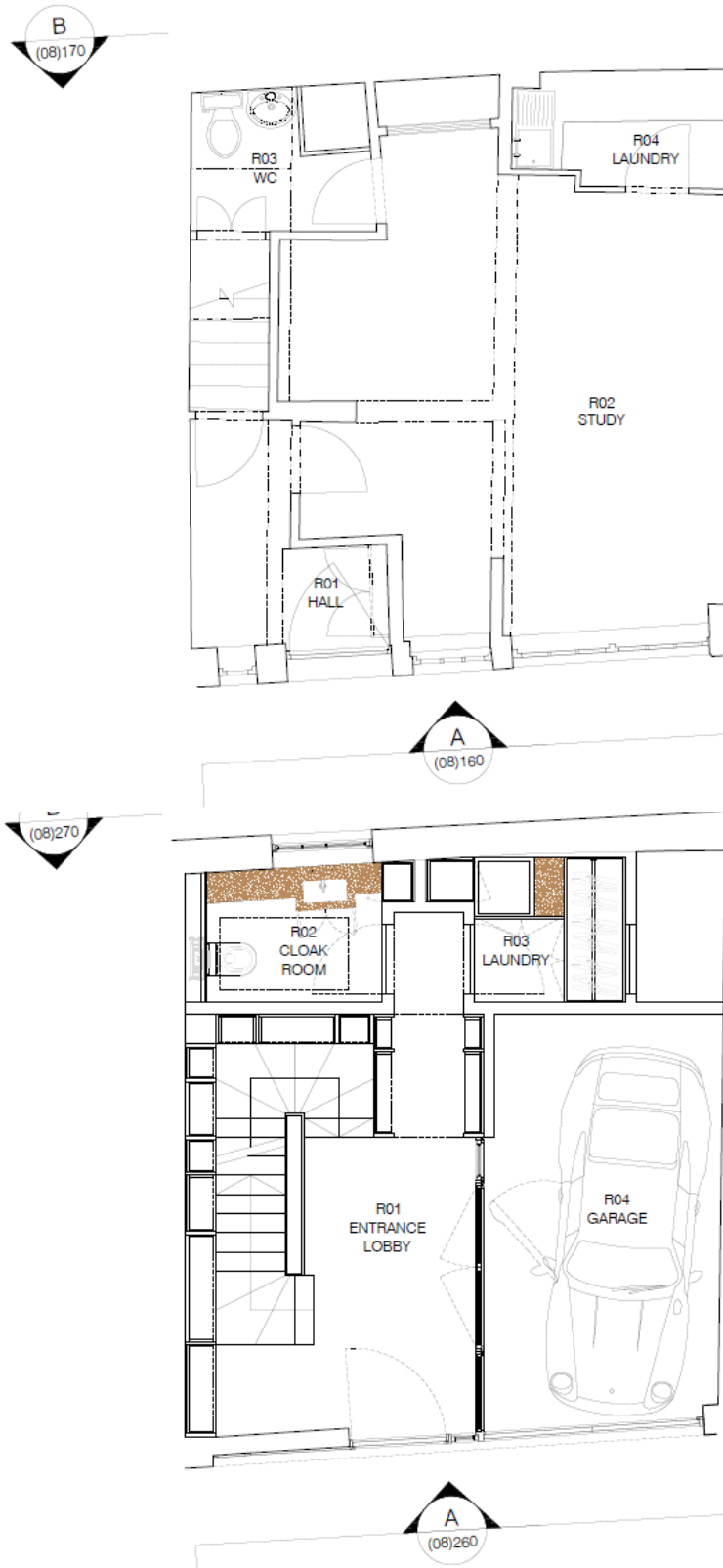
Existing (Left) and Proposed (Right) Front Elevation



Existing (left) and Proposed (Right) Rear Elevation

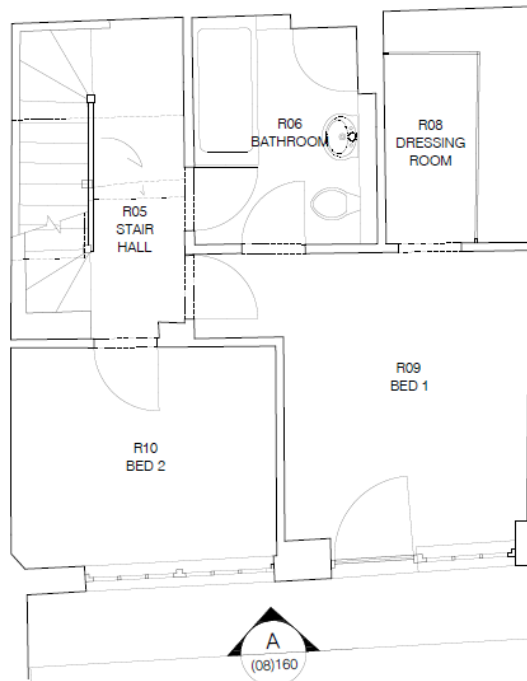


Existing (top) and Proposed (bottom) Ground Floor Plans

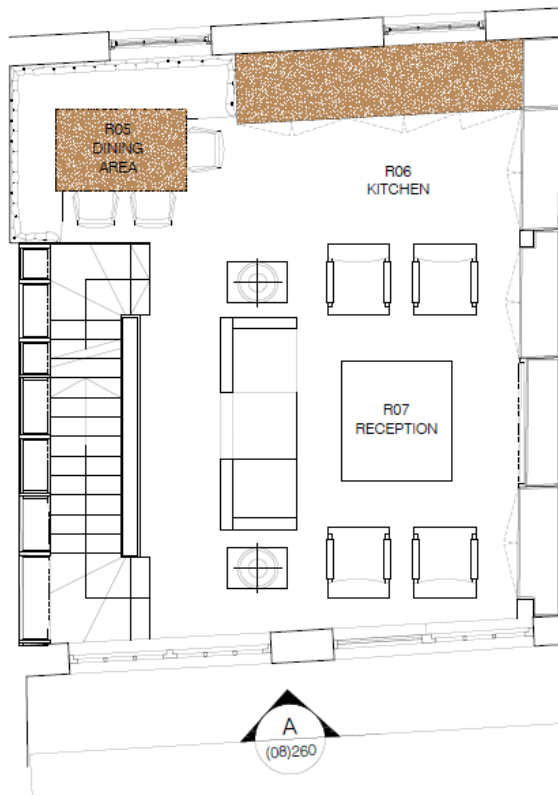


Existing (top) and Proposed (bottom) First Floor Plans

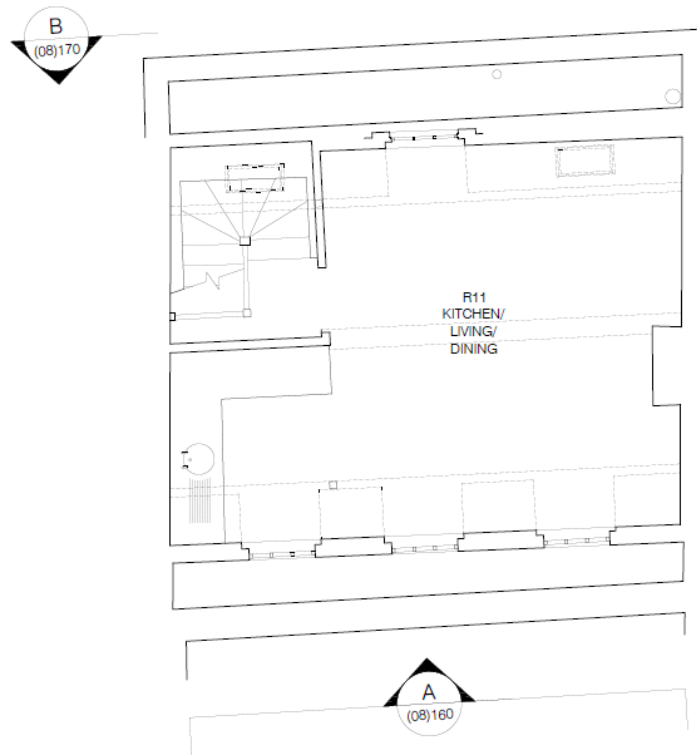
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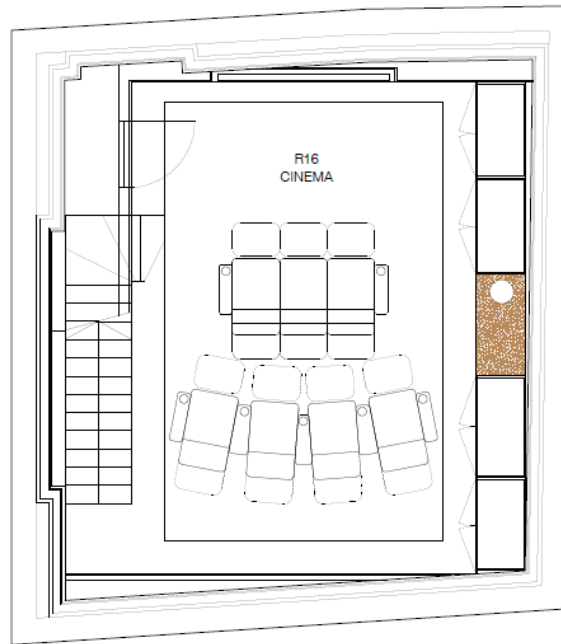
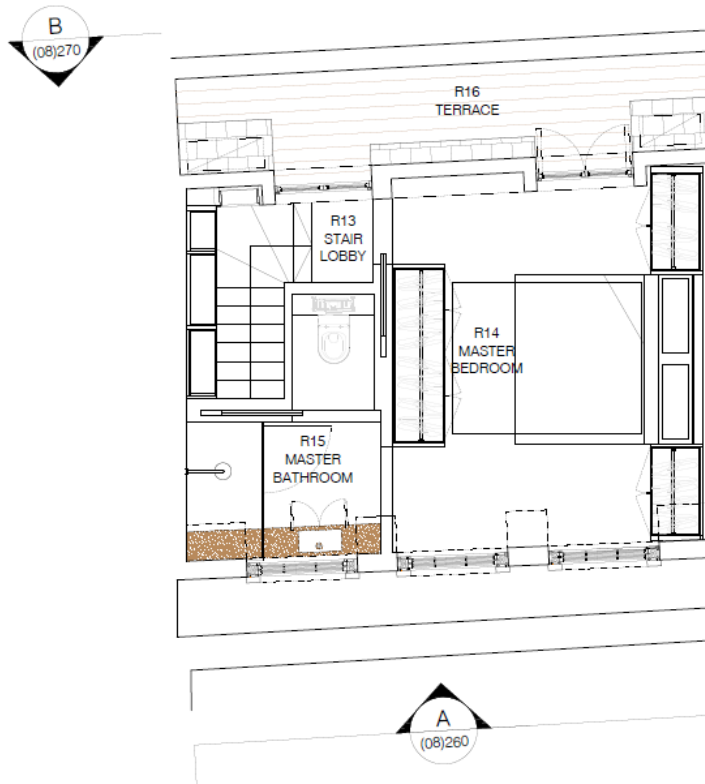


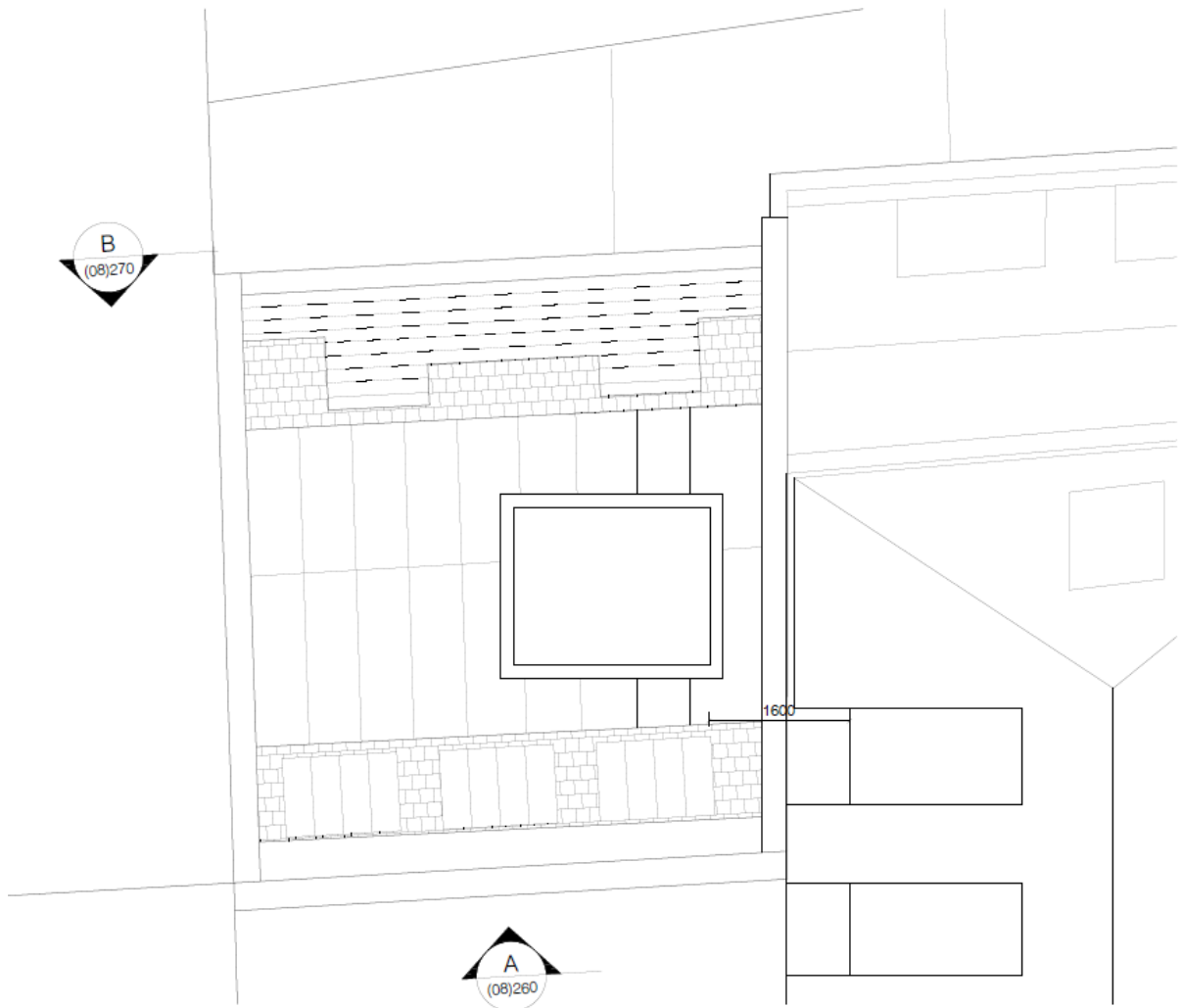
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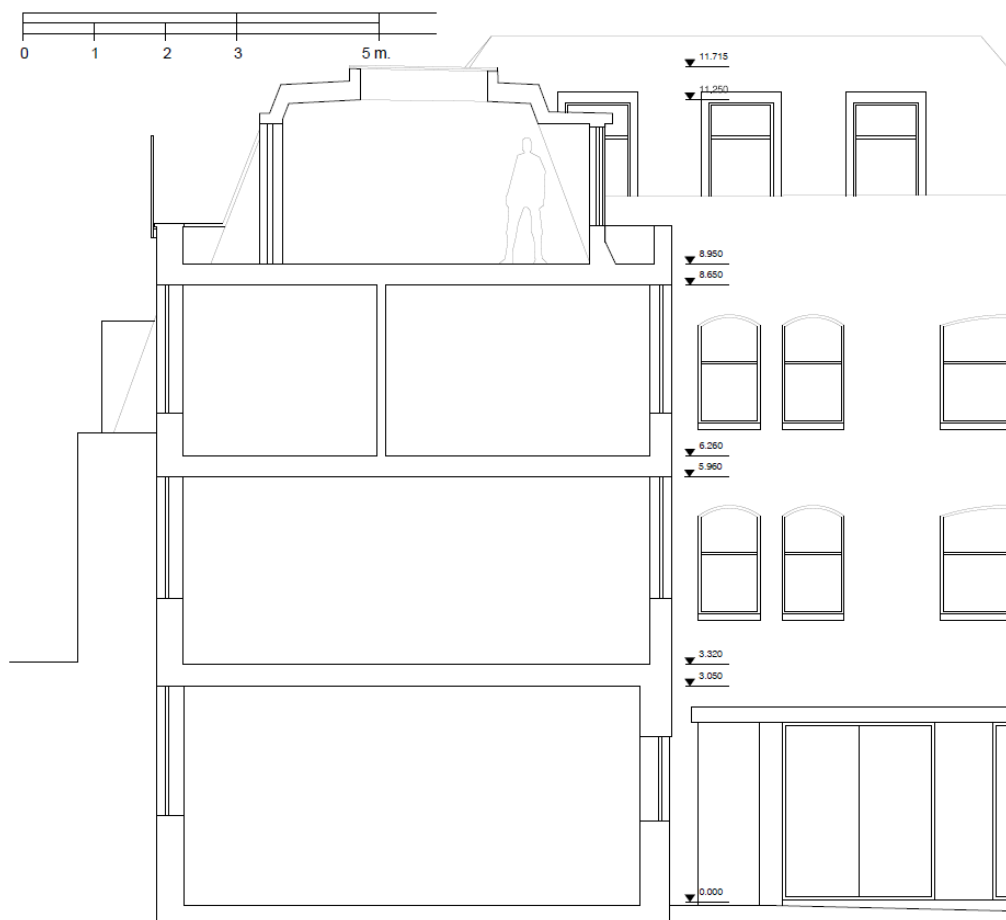


Existing (top) and Proposed (bottom) Second Floor Plans



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

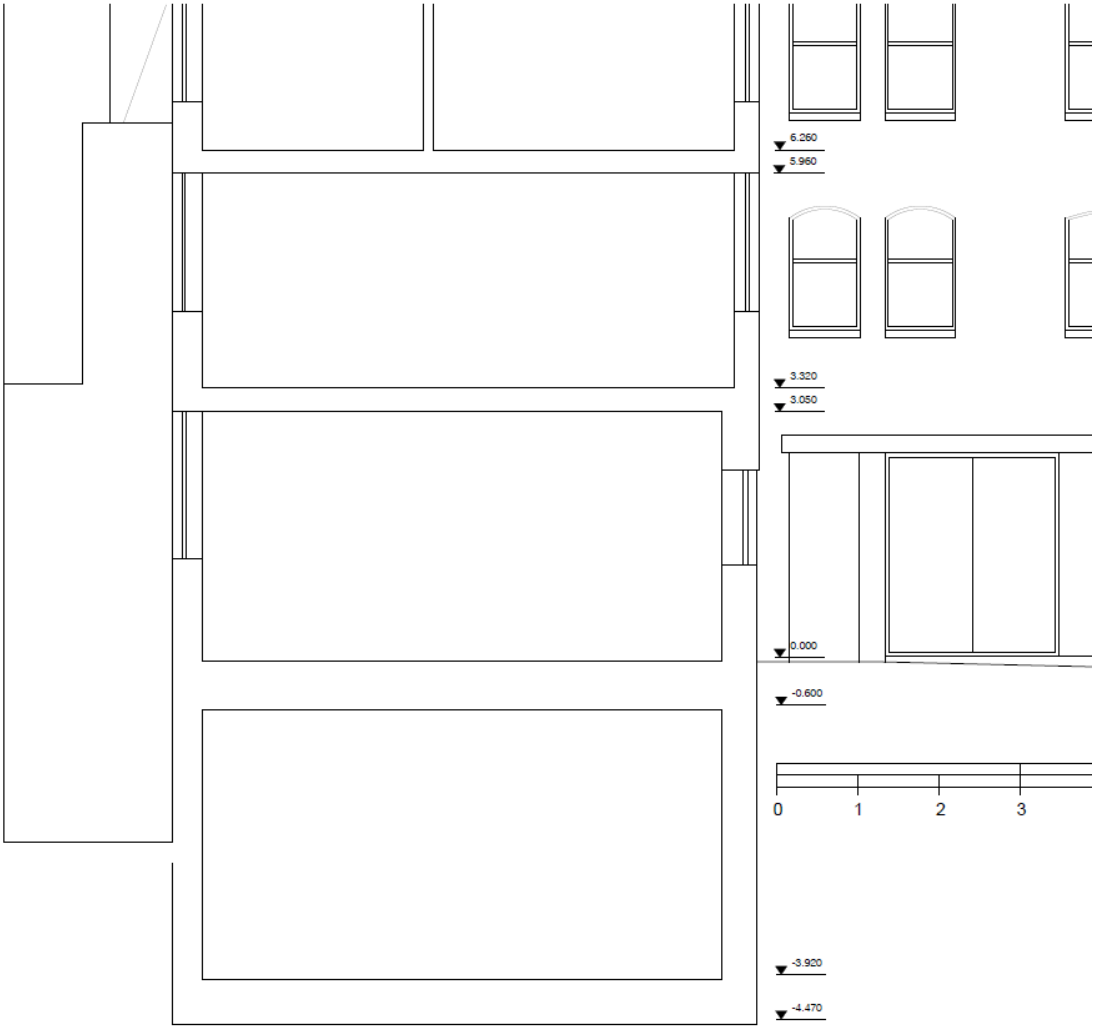
Proposed Roof Plan

Proposed Cross Section (upper)

PROPOSED TYPICAL CROSS SECTION

Scale: 1:50 @ A3

Proposed Cross Section (lower)



PROPOSED TYPICAL CROSS LOWER SECTION

Scale: 1:50 @ A3

DRAFT DECISION LETTER

Address: 5 Bourlet Close, London, W1W 7BL

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

Reference: 17/06046/FULL

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

Case Officer: Adam Jones

Direct Tel. No. 020 7641 1446

Recommended Condition(s) and Reason(s)

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

Reason:

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

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

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

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

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

Reason:

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

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

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

Reason:

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

- 4 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
- (3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for approval by the City Council. Your submission of a noise report must include:
 - (a) A schedule of all plant and equipment that formed part of this application;
 - (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
 - (c) Manufacturer specifications of sound emissions in octave or third octave detail;
 - (d) The location of most affected noise sensitive receptor location and the most affected window of it;
 - (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
 - (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
 - (g) The lowest existing L A90, 15 mins measurement recorded under (f) above;

- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment.

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the East Marylebone Conservation Area. This is as set out in S25 and S28 of Westminster's City Plan (November 2016) and DES 1 and DES 5 or DES 6

or both and paras 10.108 to 10.128 of our Unitary Development Plan that we adopted in January 2007. (R26BE)

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

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

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

Reason:

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

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

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

Reason:

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

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

Reason:

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

- 16 **Pre Commencement Condition.**

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

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

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

Reason:

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

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

Reason:

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

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan (November 2016), Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.
- 2 You are advised that the new windows to the rear boundary wall elevation are considered to be "bad neighbours" as light and ventilation to the rear rooms would be wholly derived from the neighbouring site. These may prejudice the development potential on neighbouring sites. In these circumstances, the City Council will not be in a position to protect light to these windows. The installation of these windows is wholly at the applicants risk with regards to the impact of any future development on these windows.

- 3 Conditions 4, 5 and 6 control noise from the approved machinery. It is very important that you meet the conditions and we may take legal action if you do not. You should make sure that the machinery is properly maintained and serviced regularly. (I82AA)
- 4 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (date of grant, registered number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.
- 5 Under the Greater London Council (General Powers) Act 1973, as amended by the Deregulation Act 2015, you need planning permission to use residential premises as 'temporary sleeping accommodation' (i.e. where the accommodation is occupied by the same person or persons for less than 90 consecutive nights) unless the following two conditions are met:
1. The number of nights in any single calendar year in which the property is used to provide 'temporary sleeping accommodation' does not exceed 90 [ninety].
 2. The person who provides the sleeping accommodation pays council tax in respect of the premises under Part 1 of the Local Government Finance Act 1992 (where more than one person provides the sleeping accommodation, at least one of those persons must pay council tax in respect of the premises).

This applies to both new and existing residential accommodation. Please see our website for more information: <https://www.westminster.gov.uk/short-term-letting-0>.

Also, under Section 5 of the Greater London Council (General Powers) Act 1984 you cannot use the property for any period as a time-share (that is, where any person is given a right to occupy all or part of a flat or house for a specified week, or other period, each year).

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

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

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

Phone: 020 7641 2000

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

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

- 7 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.
- 8 The construction manager should keep residents and others informed about unavoidable disturbance such as noise, dust and extended working hours, and disruption of traffic. Site neighbours should be given clear information well in advance, preferably in writing, perhaps by issuing regular bulletins about site progress.
- 9 With reference to condition 8 please refer to the Council's Code of Construction Practice at (<https://www.westminster.gov.uk/code-construction-practice>). You will be required to enter into the relevant Code appropriate to this scale of development and to pay the relevant fees prior to starting work. The Code does require the submission of a full Site Environmental Management Plan or Construction Management Plan as appropriate 40 days prior to commencement of works (including demolition). You are urged therefore to give this your early attention.
- 10 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is a condition of the London Building Acts (Amendments) Act 1939, and there are regulations that specify the exact requirements. (I54AA)
- 11 The design and structure of the development shall be of such a standard that the dwelling is free from the 29 hazards listed under the Housing Health Safety Rating System (HHSRS). However, any works that affect the external appearance may require a further planning permission. For more information concerning the requirements of HHSRS contact:

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

- 12 Under the Construction (Design and Management) Regulations 2007, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety

throughout all stages of a building project. By law, designers must consider the following:

* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;

* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm.

It is now possible for local authorities to prosecute any of the relevant parties with respect to non-compliance with the CDM Regulations after the completion of a building project, particularly if such non-compliance has resulted in a death or major injury.

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

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

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

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

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

More guidance can be found on the Health and Safety Executive website at www.hse.gov.uk/falls/index.htm.

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

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

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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.