

|  |   |  |               |
|--|---|--|---------------|
| <b>CITY OF WESTMINSTER</b>                                       |   |  |               |
| <b>PLANNING APPLICATIONS SUB COMMITTEE</b>                       | <b>Date</b><br>08 August 2023   | <b>Classification</b><br>For General Release |               |
| <b>Report of</b><br>Director of Town Planning & Building Control |   | <b>Ward(s) involved</b><br>West End          |               |
| <b>Subject of Report</b>   | <b>5 Balfour Place, London, W1K 2AU</b>   |  |               |
| <b>Proposal</b>  | Erection of a single storey extension at sixth floor level with a terrace to the rear. Demolition of existing rear lower ground floor extension and erection of an alternate extension in the northern portion of the rear garden with a terrace above. Partial infilling of internal lightwell from first to fifth floor level adjacent to No. 4 Balfour Place to accommodate a lift. External alterations including modifications to the rear fenestration, replacement window and installation of railing detailing to the front elevation, modifications to main entrance portico, alteration to fire access arrangement and associated works. Reconfiguration of existing building, and together with the proposed extensions to provide six residential units (one additional unit) (Class C3). |  |               |
| <b>Agent</b>   | Proun Architects  |  |               |
| <b>On behalf of</b>  | Elite Property Developers Limited   |  |               |
| <b>Registered Number</b>   | 23/01223/FULL   | <b>Date amended/ completed</b>               | 13 March 2023 |
| <b>Date Application Received</b>                                 | 24 February 2023  |  |               |
| <b>Historic Building Grade</b>                                   | Unlisted  |  |               |
| <b>Conservation Area</b>   | Mayfair   |  |               |
| <b>Neighbourhood Plan</b>  | Mayfair Neighbourhood Plan  |  |               |

## 1. RECOMMENDATION

Grant conditional permission

## 2. SUMMARY & KEY CONSIDERATIONS

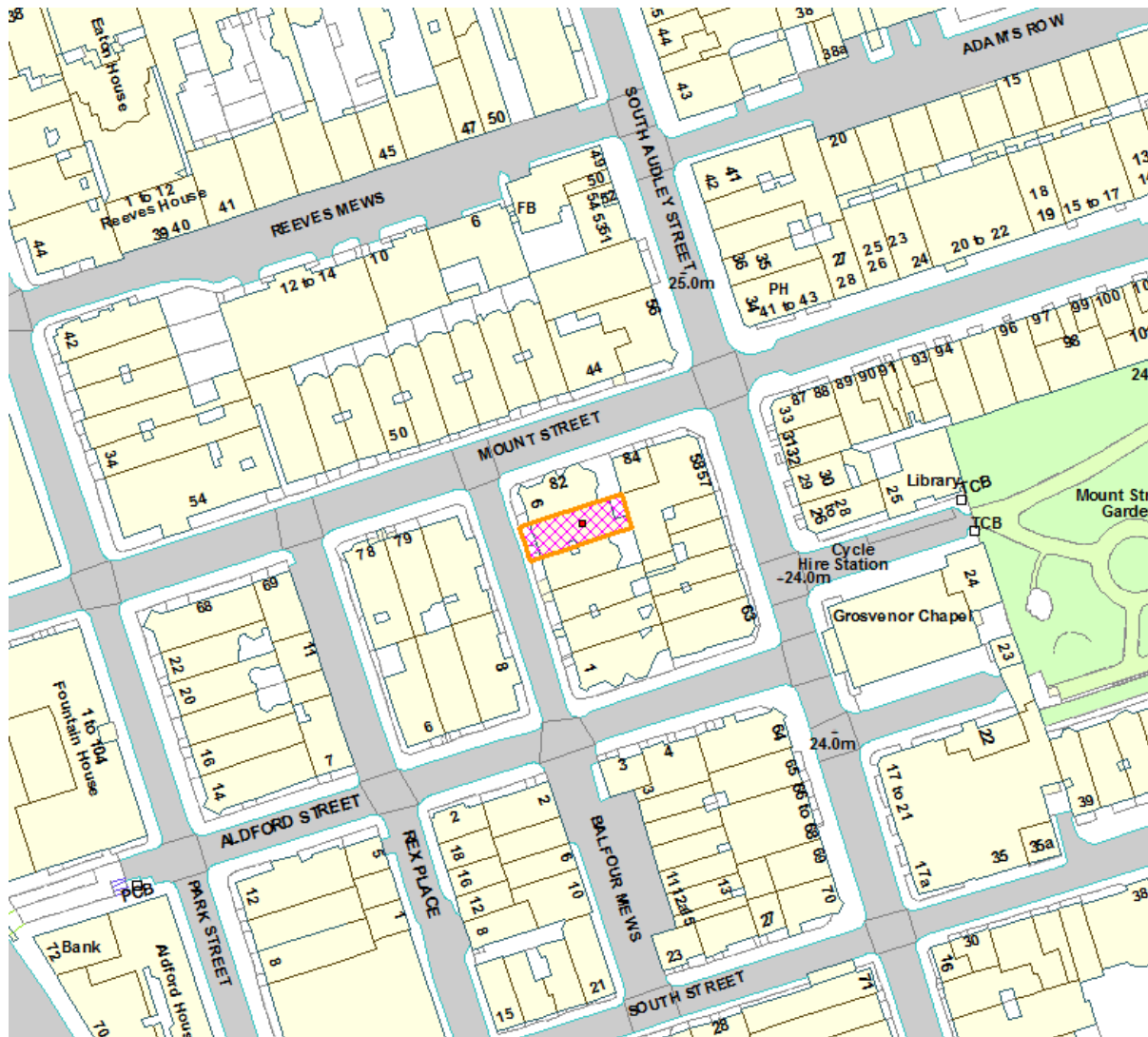
The application proposes the reconfiguration of the existing building, and erection of a single storey extension at roof level, to rear at lower ground floor and a full height extension within the internal lightwell level to provide six residential flats which is a net increase of one residential unit. Alterations are also proposed to the front and rear elevation including alteration to the fenestration, installation of new and replacement windows. Terraces at rear ground floor and at new sixth floor are also proposed.

The key considerations in this case are:

- The impact of the proposed buildings on the character and appearance of the Mayfair Conservation Area.
- The impact on the amenity of neighbouring residential properties.

For the reasons set out in the main report, it is considered that the proposal, with conditions, is acceptable in land use, design, sustainability, amenity and highways terms and neighbouring residential occupiers would not be unduly harmed. As such, the application is recommended for approval.

### 3. LOCATION PLAN



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

4. PHOTOGRAPHS

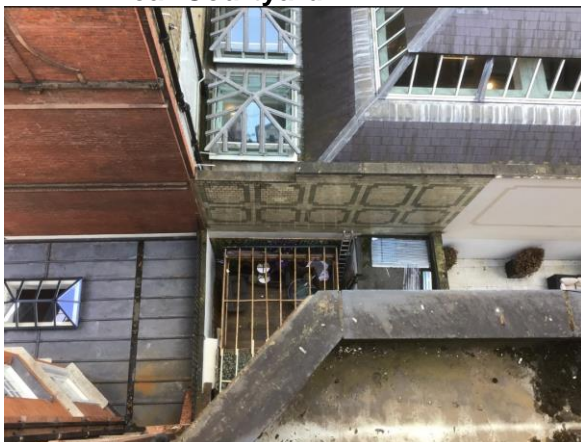
Front Elevation



Rear Elevation



Rear Courtyard



Internal lightwell



## 5. CONSULTATIONS

### 5.1 Application Consultations

#### MAYFAIR RESIDENTS GROUP

Any response to be reported verbally.

#### MAYFAIR RESIDENTS GROUP

Any response to be reported verbally.

#### RESEIDENT SOCIETY OF MAYFAIR & St. JAMES'S

Any response to be reported verbally.

#### HEALTH AND SAFETY EXECUTIVE (PLANNING & FIRE SAFETY)

No objection.

#### HISTORIC ENGLAND (ARCHAEOLOGY)

No objection.

#### HIGHWAYS

No response.

#### WASTE PROJECT OFFICER

Further information required.

#### ENVIORMNETAL HEALTH

No response.

#### ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 62

Total No. of replies: 9

9 objections have been received on the following ground:

##### Design

- The development potential of the site has been maximised.
- The detailed design of the rear of the sixth floor is not appropriate for the building, nor its context within the terrace and is harmful to the Mayfair Conservation Area.
- The proposed terrace at sixth floor level will impact historic roof form.

##### Amenity

- Loss of outlook within neighbouring properties.
- Unacceptable loss of light.
- Amenity concerns due to inclusion of terraces (overlooking and potential noise disturbance).
- Air conditioning will exacerbate existing noise issues from plant in the locality.
- Impact construction will have on the living conditions of neighbouring residential occupiers.

### Other

- Lower ground floor extension with roof terrace above and terrace at sixth floor level represents a security risk to neighbouring residential and commercial occupants.
- The roof top extension will negatively impact the view from the penthouse of the neighbouring building.
- The impact of the proposed demolition needs specific structural consideration for neighbouring properties and a regime for complete compensation include a provision to cover the cost of relocation during the proposed works needs to be secured.

PRESS NOTICE/ SITE NOTICE:

Yes

## **5.2 Applicant's Pre-Application Community Engagement**

The applicant has not submitted a Statement of Community Involvement and the other application documents do not indicate that engagement was carried out by the applicant with the local community and key stakeholders in the area, prior to the submission of the planning application. However, the Early Community Engagement guidance only expects such engagement to take place where proposals of this nature may have a significant impact on residential amenity or other noise sensitive receptors.

## **6. WESTMINSTER'S DEVELOPMENT PLAN**

### **6.1 City Plan 2019-2040 & London Plan**

The City Plan 2019-2040 was adopted at Full Council on 21 April 2021. The policies in the City Plan 2019-2040 are consistent with national policy as set out in the National Planning Policy Framework (NPPF) (July 2021) and should be afforded full weight in accordance with paragraph 219 of the NPPF. Therefore, in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004, it comprises the development plan for Westminster in combination with the London Plan, which was adopted by the Mayor of London in March 2021 and, where relevant, neighbourhood plans covering specific parts of the city (see further details in Section 6.2).

As set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 49 of the NPPF, the application must be determined in accordance with the development plan, unless material considerations indicate otherwise.

### **6.2 Neighbourhood Planning**

The Mayfair Neighbourhood Plan includes policies on a range of matters including public realm, directing growth, enhancing retail, commercial and public house uses, residential amenity, commercial growth, cultural and community uses, heritage, design, servicing and deliveries and environment and sustainability.

The plan has been through independent examination and was supported by local residents and businesses in a referendum held on 31 October 2019. It was adopted on 24 December 2019. It therefore forms part of the development plan for Westminster for development within the Mayfair neighbourhood area in accordance with Section 38 of the Planning and Compulsory Purchase Act 2004. Where any matters relevant to the application subject of this report are directly affected by the policies contained within the neighbourhood plan, these are discussed later in this report.

### **6.3 National Policy & Guidance**

The City Plan 2019-2040 policies referred to in the consideration of this application have been examined and have been found to be sound in accordance with tests set out in Paragraph 35 of the NPPF. They are considered to remain consistent with the policies in the NPPF (July 2021) unless stated otherwise.

## **7. BACKGROUND INFORMATION**

### **7.1 The Application Site**

5 Balfour Place is an unlisted building located in the Mayfair Conservation Area, the Central Activities Zone and is identified as West Mayfair in the Mayfair Neighbourhood Plan. The buildings comprise lower ground, ground and five upper levels and is currently in use as five residential flats (Class C3).

Balfour Place is predominantly residential in character; however, there is some commercial floorspace within the lower levels of 6 Balfour Place located immediately to the north of the application site.

### **7.2 Recent Relevant History**

Permission was granted on 20 July 2021 (RN:15/04253) for the use of the lower ground, ground, first and second floor levels as three self-contained dwellings (1 x 2 bed and 2 x 1 bed units). This permission was not implemented.

Permission was granted on 15 October 2021 (RN: 15/07798) for the use of the lower ground, ground, first and second floor levels as two self-contained dwellings (1 x 1 bed and 1 x 3 bed unit). This permission has been implemented.

## **8. THE PROPOSAL**

The main aspects of the proposal are as follows:

- Erection of a single storey extension at sixth floor level with a terrace to the rear;
- Demolition of existing rear lower ground floor extension and erection of an

alternate extension in the northern portion of the rear garden with a terrace/ and planted area above;

- Partial infilling of internal lightwell from first to fifth floor level adjacent to No. 4 Balfour Place to accommodate a lift;
- Modifications to the rear fenestration;
- Installation of replacement window;
- Installation of railing detailing to the front elevation;
- Modifications to main entrance including reinstatement of a portico;
- Re-provision of means of fire access from the roof of 3-4 Balfour Place to a window of the fifth floor flat; and
- Utilisation of the pavement vaults to provide secure cycle parking for 16 bicycles.

The enlarged building together with the reconfiguration of the existing accommodation will provide six residential units (one additional unit) (Class C3). The proposal unit mix is detailed in the table below.

**Existing and proposed residential unit mix.**

|          | 1 -bed | 2-bed | 3-bed | 4-bed | Total |
|----------|--------|-------|-------|-------|-------|
| Existing | 1      | 3     | 1     | 0     | 5     |
| Proposed | 0      | 4     | 1     | 1     | 6     |

As a result of the proposal, the residential floorspace would increase from 726 sqm GIA to 851 GIA (i.e. a net increase of 125 sqm GIA).

## 9. DETAILED CONSIDERATIONS

### 9.1 Land Use

The scheme seeks to reconfigure the existing residential accommodation on the site and provide an additional one new dwelling. This will result in the provision of six flats in total. This includes 2 family sized units (3 bed or more).

Policy 8 of the City Plan 2019-2040 (April 2021) states that Westminster seeks to optimise housing delivery by optimising site densities, delivering a higher number of homes on small sites, permitting appropriate upwards extensions, and planning positively for tall buildings in certain locations. As such, the additional residential unit in this location is acceptable in principle subject to impacts of the additional bulk as discussed in the design and amenity sections below.

Furthermore, the policy goes on to state that no new homes in Westminster will exceed 200sqm GIA. One of the units proposed totals 208 sqm GIA which marginally exceed this threshold. In order to meet the required proportion of family sized units (see below)



due the narrow nature of the site relative to its depth, whilst ensuring the proposed residential accommodation is of a suitable quality, it is considered that it is necessary to arrange the family sized units over two floors. Further, given that the existing lower ground to second floor levels currently accommodates two units (one 3-bed and one 1-bed) whereas, through efficiencies and alterations which this consent seeks three units (one 4-bed and two 2-bed) would be provided within these levels. Whilst a unit exceeding the 200 sqm GIA threshold would normally be objectionable, given the above, it is considered acceptable in this instance.

Policy 10 of the City Plan 2019-2040 (April 2021) states that residential developments will provide a mix of units in terms of size, type and tenure to secure mixed and inclusive communities and contribute towards meeting Westminster's housing needs; however, the policy does go on further to state that 25% of all new homes across Westminster will be family sized.

Two family sized units are proposed which represents 33% of the units on site and therefore is considered acceptable.

Policy 12 of City Plan 2019-2040 (April 2021) requires that all new homes and residential extensions will provide a well-designed, energy efficient and high-quality living environment and all new homes will meet or exceed the Nationally Described Space Standards. Policy D6 of the London Plan (2021) concerns housing quality and standards and Part C states that housing development should maximise the provision of dual aspect dwellings.

All the proposed units will meet the requirements of the Nationally Described Space Standards and are proposed to be dual aspect. The overall layout is considered to result in a standard of accommodation that is likely to be acceptable and will provide good quality residential accommodation.

Policy 12 goes on to say that all new-build homes will provide at least 5 m<sup>2</sup> of private external amenity space for each dwelling. Where it is sufficiently demonstrated that it is not practicable or appropriate to provide any type of external amenity space, additional internal living space equivalent to the external requirement is required.

Private outdoor space is provided for the two family sized dwellings. Due to the constraints of the existing property, it is not possible to provide private outdoor space to the two bedroom dwellings but each of these dwellings is significantly larger than the minimum required floor area (circa 20 sqm) with generous living rooms. As such, the lack of external amenity space is considered acceptable in this instance.

Policy 9 of the City Plan 2019 – 2040 (April 2021) states that at least 35% of all new homes will be affordable across Westminster where 10 new units are being provided or the increase in residential floorspace totals 1,000 sqm GIA. The proposal seeks to provide an additional one flat and the overall increase in residential area totals 125 sqm GIA. As such, the current proposal does not trigger the requirements to provide affordable housing.

## 9.2 Environment & Sustainability

The proposed new building fabric have been selected to exceed the U-values required under Part L of the building regulations thus ensuring a highly efficient development.

All habitable rooms can be ventilated through vertical window openings to omit the need for mechanical ventilation.

All flats are dual aspect and have been designed to minimise the need for artificial lighting as far as practicable.

Water efficiency and management features are being proposed through the implementation of efficient taps, shower heads or other appliances.

The Applicant agreed to accept a condition ensuring that the hot water and heating systems within the residential units are electrically powered only.

Whilst there is no BREEAM requirement for a proposal of this scale, in support of the application, a BREEAM pre assessment submitted in support of the application, the scheme achieves an anticipated score of 67.97% which equates to a rating of 'very good'. A condition has been recommended requiring a post construction certificate of assessment showing that the development has achieved a 'very good' rating to be submitted within 6 months of occupation ensuring that this target has been achieved.

### **9.3 Biodiversity & Greening**

The proposal has been amended during the course of the application to include a greened/planted area to the rear of the terrace at ground floor level to the roof of new lower ground floor accommodation. This addition is welcome and ensures that the proposal results in a biodiversity gain.

### **9.4 Townscape, Design & Heritage Impact**

#### **Legislative & Policy Context**

The key legislative requirements in respect to designated heritage assets are as follows:

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that "In the exercise, with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

Whilst there is no statutory duty to take account of the effect on the setting of a conservation area, City Plan Policy 39 requires development to ensure heritage assets (which includes conservation areas) and their settings are conserved and enhanced, in a manner appropriate to their significance. Furthermore Chapters 12 and 16 of the NPPF require great weight be placed on design quality and the preservation of designated heritage assets including their setting.

Chapter 16 of the NPPF clarifies that harmful proposals should only be approved where the harm caused would be clearly outweighed by the public benefits of the scheme, taking into account the statutory duty to have special regard or pay special attention, as

relevant. This should also take into account the relative significance of the affected asset and the severity of the harm caused.

### **Assessment**

The application site is located mid terrace towards the northern end of Balfour Place located within the Mayfair Conservation Area. The building, which was originally a single family dwelling was constructed as part of the terrace (No.1-6 Balfour Place) in 1891-1893 to the design of both Eustace Balfour and H. Thackeray Turner. It is understood the building was partially bomb damaged and has undergone several alterations since first constructed, some of which were unsympathetic and much simpler in detailed design than the original construction.

In design and heritage terms, the main considerations are the replacement rear extension, the roof top extension at sixth floor level with inset terrace, modifications to the fenestration at the rear of the site, alterations to Balfour Place frontage (installation of stone entrance portico, replacement windows, detailing at first, second and fifth floor level) and the erection of an extension within the internal lightwell along the boundary with 3-4 Balfour Place to accommodate a replacement lift. These are discussed in turn below:

#### Replacement Rear Extension

The existing rear lower ground floor extension is not historic and therefore the principle of the demolition is considered acceptable. The replacement extension occupies 50% of the rear garden and therefore will remain subservient to the main building. In detailed design terms the proposals are considered acceptable, the detailed courtyard elevation will be brick with doors centrally positioned with a window either side concealed behind the party walls. Details of the materials, doors and windows are requested by condition. The terrace to the extension does not raise design concerns and will have metal railings surrounding it with a small, planted area. Conditions have been used to secure the design and to restrict pergolas, trellis and other items from affecting the appearance.

#### Roof top extension

The principle of the proposed roof extension is considered acceptable and is similar in terms of height, bulk and detail to recently consented extensions at this level. Along the Balfour Place frontage, the proposed new sixth floor will now be a close visual mirror of 2 Balfour Place with the raising of the ridge to be the same as its neighbour to the south. The detailed design of the rear roof extension has been modified to be a more traditional mansard with inset dormer following officers' advice owing to the potentially visible location when viewed from the corner of South Audley Street. It is considered that the revised sixth floor extension is acceptable in design and heritage terms.

#### Alterations to Rear Fenestration

The proposal includes changes to the rear fenestration at rear ground and first floor level which facilitate the use of the existing double height space to the rear of the site as two separate levels. Whilst this element of the proposal will not be readily visible from the public realm, it is considered that these changes are acceptable in private views and will ensure that the rear elevation has more design unity with adjacent properties and adheres better to the façade lines and window levels.

#### Alteration to Balfour Place frontage

It is proposed to reinstate the original front stone entrance portico, this is welcomed in design terms. Similarly, the proposal to replace non-original windows with ones to match the original windows are also welcomed in design terms, conditions are attached to secure the detailed design. The alterations to the façade both back and front bring the building in to closer visual alignment with adjacent sister buildings built as part of the same original development.

#### Extension within the internal lightwell

Whilst some of the internal lightwell is being infilled, 50% will still remain to provide light and ventilation to the property. The light well is found deep in the plan against the adjacent party wall and can only be viewed from the property of the adjacent one.

There have been a substantial number of objections from neighbouring residents' on the basis that the proposal would overdevelop the site, the proposed sixth floor and inset terrace would result in the loss of a historic roof form and on the basis that the detailed design of rear of the proposed sixth floor extension is unacceptable.

As above, the proposed extensions are considered acceptable in design and heritage terms and subject to the amenity considerations discussed in Section 9.5 (Amenity) of this report, it is not considered that it would be appropriate to refuse the proposal on the basis that the site is overdeveloped.

Neighbours have objected to the loss of the historic roof form. The front section is original it is set behind a parapet and is a recessive detail. The other portions of the roof have been altered and modified in the past. The extension of the pitch to mirror others adjacent, also with the other proposed alterations is not considered contentious in this context.

The design of the rear of the sixth floor extension, following modifications, is now considered acceptable.

## **9.5 Residential Amenity**

Policy 7 of the City Plan 2019-2040 seeks to protect and, where appropriate, enhance amenity by preventing unacceptable impacts in terms of daylight and sunlight, sense of enclosure, privacy and overlooking.

Policy S33 of the City Plan 2019 – 2040 states that; 'development should prevent adverse effects of noise and vibration and improve the noise environment in compliance with the council's Noise Thresholds, with particular attention to: minimising noise impacts and preventing noise intrusion to residential developments and sensitive uses'

Objections have been received from occupants of 3-4 Balfour Place and from and on behalf of residents within 57-59 South Audley Street and 84 Mount Street on the basis the proposal will result in the loss of light, reduce outlook, impacts residential privacy and may cause issues as a result of both noise associated with the use of the proposed terraces, noise transfer and noise from mechanical plant.

#### Daylight and Sunlight

A daylight and sunlight assessment has been submitted. This assesses the impact of the

development on the light receivable by the neighbouring properties at 3-4 Balfour Place 49 Balfour Place and 57-59 South Audley Street (which includes 84 Mount Street).

#### Daylight

Vertical Sky Component (VSC) is the method used to measure the amount of light reaching the outside face of a window. If the VSC achieves 27% or more, the window will have the potential to provide good levels of daylight. Reductions of more than 20% should be avoided as such losses are likely to be noticeable and the adverse effect would have to be taken into account in any decision-making. The BRE guidelines seek to protect daylighting to principal habitable rooms including living rooms, larger kitchens and bedrooms. However, the guidance is clear that numerical values are not intended to be prescriptive in every case and are intended to be interpreted flexibly depending on the site circumstances.

The distribution of daylight within individual rooms can also be assessed using the No-Sky Line (NSL) test. The applicant has submitted an NSL assessment where room layouts are known.

The report shows that any reductions in daylight received are below BRE thresholds. In light of this, it is not considered that the objections on the loss of daylight can be supported.

#### Sunlight

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. The BRE guide suggests that if the proposed sunlight is below 25% (and 5% in winter) and the loss is greater than 20% either over the whole year or just during winter months, or there is more than a 4% loss in total annual sunlight hours, then the occupants of the existing building are likely to notice the loss of sunlight.

All windows that face within 90 degrees of due south have been tested for direct sunlight. All windows tested pass both the total annual sunlight hours test and the winter sunlight hours test.

#### Sense of Enclosure

The proposed rear extension does not extend upward of the rear or either of the side boundary walls and therefore raises no issues in terms of outlook.

The proposed lightwell extension which would contain a lift would be located directly across from obscured windows to WCs within 3-4 Balfour Place. Given the windows are obscured, it is not considered that the proposal extension will materially impact the outlook from the WCs. Windows which are understood to serve numerous galley kitchens will also have visibility of the proposed lightwell extension. Given the limited existing outlook from these rooms, and that the extension would only occupy one quarter of the total internal lightwell and would be offset from these windows, it is not considered that the impact on outlook would be so harmful to justify a recommendation to refuse the application.

The bulk and mass of the proposed sixth floor extension is set back from the existing building line to both the front and rear of the property. As such, it is not considered the additional bulk is so great that it would result in a material increased sense of enclosure to properties to the front or rear of the site.

The sixth floor of 3-4 Balfour Place has side windows facing the application site which serve a living/dining room. Whilst the proposal will have a marginal impact on the outlook from the living/dining room, given the proposed extension is set back from the boundary adjacent to the impacted windows and that the room also benefits from easterly windows not impacted by the proposal, it is not considered it would be reasonable to refuse this application.

Given the above, objections relating to loss of outlook cannot be supported.

#### Privacy

The proposal introduces new windows to the front and rear of the proposed extensions. Given the presence of windows at the lower levels and the separation distance between the application site and properties on both the other side of Balfour Place and towards residential properties to the rear, it is not considered that the additional windows will result in a material reduction of privacy.

The proposal introduces a terrace at rear ground floor level. Initially the proposed terrace extended the full extent of the rear extension. During the course of the application, the extent of the terrace was reduced and a planted area was introduced to the rear to increase on-site biodiversity and to reduce the potential of views into the rear windows of 3-4 Balfour Place. Following this revision, it is no longer considered that there will be any material visibility into the residential accommodation at 3-4 Balfour Place.

The proposal introduces a terrace at new sixth floor to the rear of the site, inset into the slope of the roof. Given the presence of windows at the lower levels of the application site and the presence of terraces to the rear of neighbouring buildings, it is not considered that the proposal would reduce the level of privacy felt within properties to the rear. Given that the proposed terrace is set back from the rear building line, it is not considered that there would be any significant visibility into residential accommodation within 3-4 Balfour Place.

There would be a degree of mutual overlooking between the proposed ground floor and sixth floor terraces and existing terraces at the same level to the rear of 3-4 Balfour Place. Given the central London location of the site, a degree of mutual overlooking between external amenity space of neighbouring properties is not uncommon and, it is not considered that the impact would be so significant as to justify a recommendation for refusal.

#### Noise from terrace

Objections have also been received on the grounds of noise disturbance from the use of the rear terrace. However, most of the neighbouring properties benefit from outside amenity space at the rear of their respective buildings including terraces and gardens to all of the building where neighbouring objectors reside. Whilst there is the potential that there could be some noise associated with the use of the proposed terrace, given its domestic use, and as there are other terraces in the immediate vicinity, it is not

considered that its use is likely to give rise to such significant disturbance as to justify a recommendation for refusal.

#### Noise transfer

Objections have been raised on the grounds that the proposal could lead to noise transfer between the application site and neighbouring occupants. A condition has been imposed to ensure that the design and structure of the building shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration arising from the development in its built form.

#### Noise from Plant

Objectors raised concerns regarding the potential of noise associated with mechanical plant. No mechanical plant is proposed.

### **9.6 Transportation, Accessibility & Servicing**

The site is centrally located and well served by public transport including principal bus routes and benefits from the highest public transport accessibility (PTAL) rating (6b).

#### Car Parking

No car parking is proposed, Policy 27 supports residential development without car parking provision.

#### Cycle Parking

The London Plan requires 1.5 spaces per 1-bedroom unit and 2 spaces for 2+ bedroom units. The submission documents state that the proposal includes cycle parking provision for 12 spaces in the front pavement vault in line with policy. However, whilst there is annotation stating that cycle parking is located within the front pavement vault, individual spaces have not been identified on the submitted drawings. As such, a condition is recommended requiring further details to ensure cycle parking is provided in line with the London Plan requirements.

#### Waste Storage

Whilst waste storage has been indicated, the waste details on the submitted drawings are not in line with the council waste storage requirements. As such, a condition is recommended to secure revised details of waste storage.

### **9.7 Economy including Employment & Skills**

Whilst the development is of insufficient scale to require an employment and skills plan, it will contribute positively to the local economy during the construction phase through the generation of increased opportunities for local employment, procurement and spending.

The new residential accommodation proposed will support the local economy through increased local spending, thereby supporting local employment and services.

### **9.8 Other Considerations**

### Fire Safety

Following a review of the information provided within the planning application, the HSE is satisfied with the fire safety design, to the extent that it affects land use planning.

### Construction Impacts

Neighbouring residents have raised concerns regarding the impact of construction works on residents' amenity and have referenced other works which have recently been complete and are currently under construction in the vicinity of the site.

Residents of 3-4 Balfour Place have specifically security concerns during the construction process.

They have also raised concerns with regards to the structural implications associated with proposed demolition and have requested that a regime for complete compensation including a provision to cover the cost of relocation during the proposed works needs to be secured.

Developers carrying out work must notify the Health and Safety Executive (HSE) and must ensure that the method of construction and access arrangements during the construction process comply with the Construction (Design and Management) Regulations 2015 (CDM 2015). Therefore, the security implications during the construction process will be fully considered at that stage.

The structural integrity of the development is not controlled through the planning system but through other legislation, including Building Regulations and the Party Wall Act. Whilst these concerns are noted they could not justify a refusal.

Whilst concerns relating to potential disturbance from construction works are understood permission could not reasonably be withheld on this basis. It is not considered that construction associated with the proposed development would require neighbouring occupiers to move from their home. A condition is recommended to control the hours of noisy building works. It is also recommended that an informative is included on the decision notice encouraging the applicant 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. With these, it is considered that the potential effects of the construction process will be ameliorated as far as reasonably possible.

### Security

Security concerns have been raised regarding the implications of the provision of access from the application site to the roof of 3-4 Balfour Place and vice versa. Access between the two roofs is currently achievable and the proposal would not change this.

Further security concerns have been raised on behalf of James Purdey and Son Limited who occupy the commercial premises located within the lower levels to the rear of the site and sells and stores licensed firearms. They consider that the proposed single storey extension with roof terrace is of grave concern due to now access being possible from Mount Street over the roofs due to the development of 6 Balfour Place. Given that there is a flank wall to the rear of the application site which extends approximately 3.5m above the finished terrace level and that rear flank wall is visible from both the



application premises and from Mount Street, it is not considered that the security risk would increase as a result of the proposal.

#### Ventilation

Concerns have been raised by occupants of 3-4 Balfour Place on the basis that they believe that the proposed works to the lightwell will render it impossible to ventilate the adjacent rooms within their properties. Whilst some of the internal lightwell is being infilled, 50% of the portion of the lightwell within the boundary of the application site will still remain to provide light and ventilation to the properties. Further, 50% of the total lightwell is contained within the boundary to 3-4 Balfour Place and is not impacted by this proposal. As such, it is not considered that the proposal would have any material impact on the capability of rooms facing the to ventilate.

#### Right to a view

Occupants of the top floor flat within 3-4 Balfour Place have objected on the basis that they will lose their view to the north. No individual has the right to a view and a planning application could not be lawfully refused on the basis that a private view would change.

### **9.9 Environmental Impact Assessment**

The proposed development is not of sufficient scale or impact to require an Environmental Impact Assessment.

### **9.10 Planning Obligations & Pre-Commencement Conditions**

The estimated Westminster CIL payment is £68,585 and the Mayoral CIL is estimated at £9,976.

The proposal does not trigger any planning obligations.

The Town and Country Planning (Pre-commencement Conditions) Regulations 2018 requires the City Council to obtain the applicant's written agreement before imposing pre-commencement conditions (i.e. conditions which must be discharged before works can start on site) on a planning permission. Pre-commencement conditions can only be imposed without the written agreement of the applicant where the applicant fails to provide a substantive response within a 10 day period following notification by the Council of the proposed condition, the reason and justification for the condition.

No pre-commencement condition are recommended.

## **10. Conclusion**

On all the other matters the proposals are in line with the development plan subject to conditions detailed in the report, specifically 7, 8, 10, 12, 25, 27, 33, 34, 36, 37, 38, 39, 40 and 43 of the City Plan 2019 - 2040 (April 2021) and policies MRU2, MD2 and MD3 of the Mayfair Neighbourhood Plan 2018 – 2038.

In terms of heritage impact, the proposal is considered acceptable, mindful of policies 38, 39 and 40 of the City Plan 2019-2040 and therefore, a recommendation to grant conditional permission would be compliant with the requirements of the NPPF and the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The application is therefore recommended for conditional approval.

(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: DAMIAN LAVELLE BY EMAIL AT [dlavelle@westminster.gov.uk](mailto:dlavelle@westminster.gov.uk).

11. KEY DRAWINGS

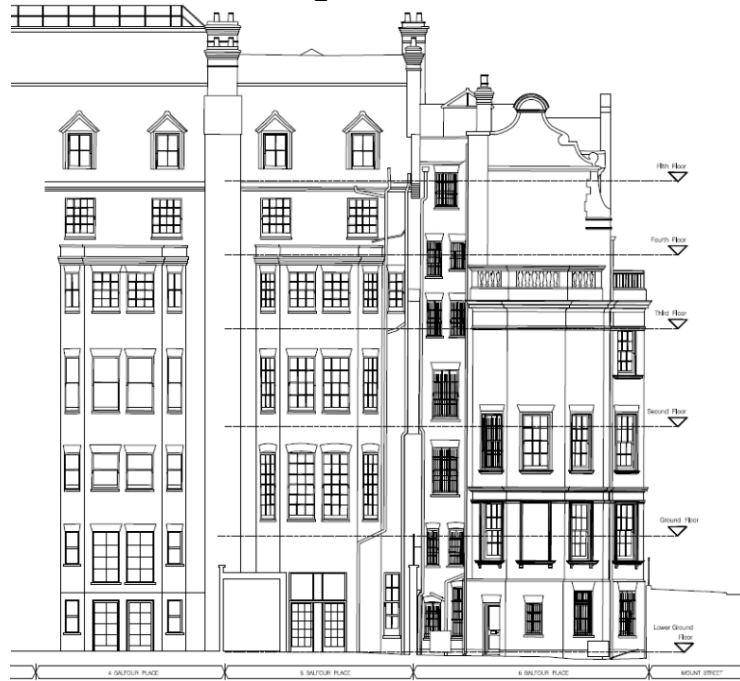
Existing Front Elevation



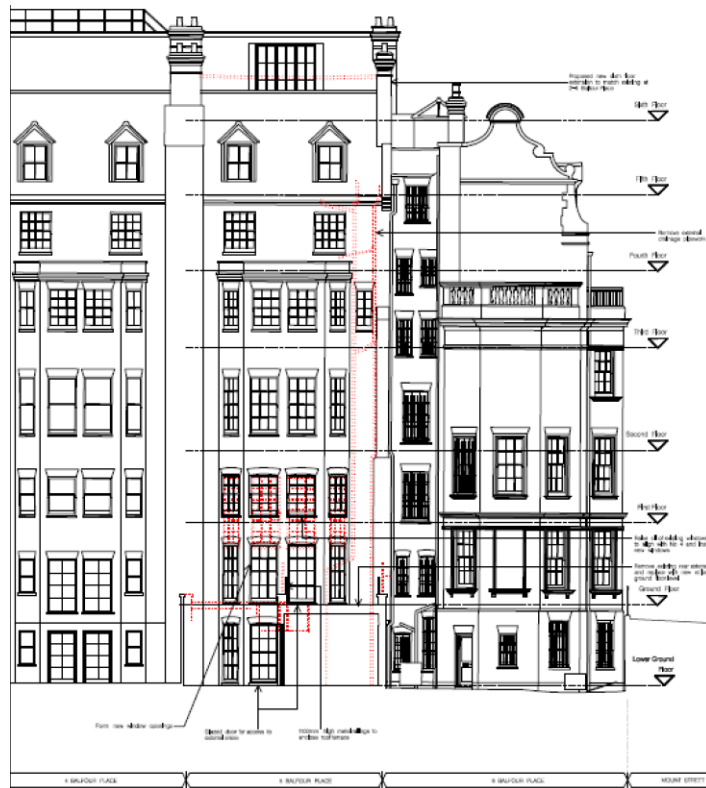
Proposed Front Elevation



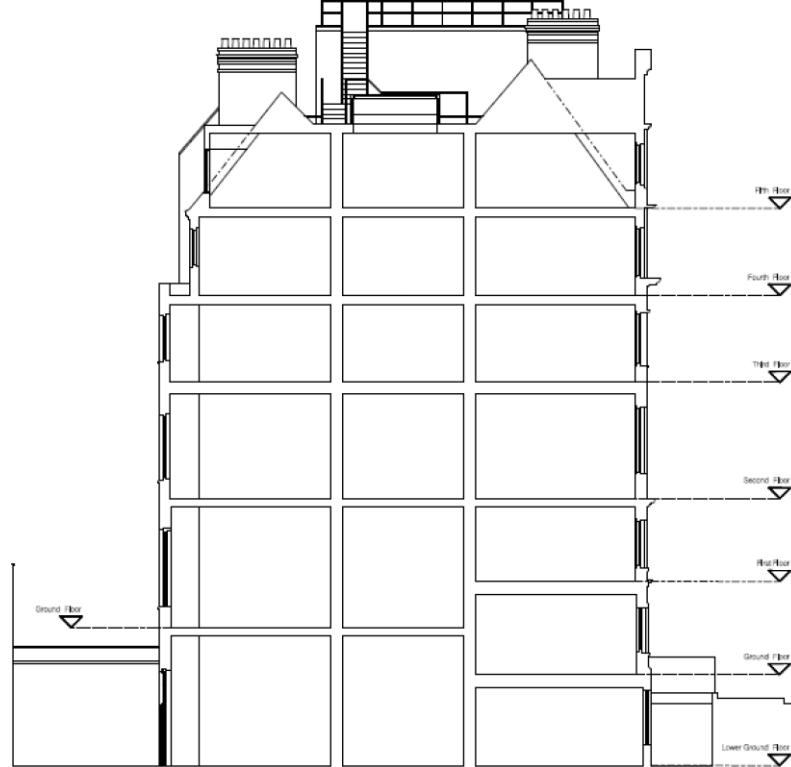
### Existing Rear Elevation



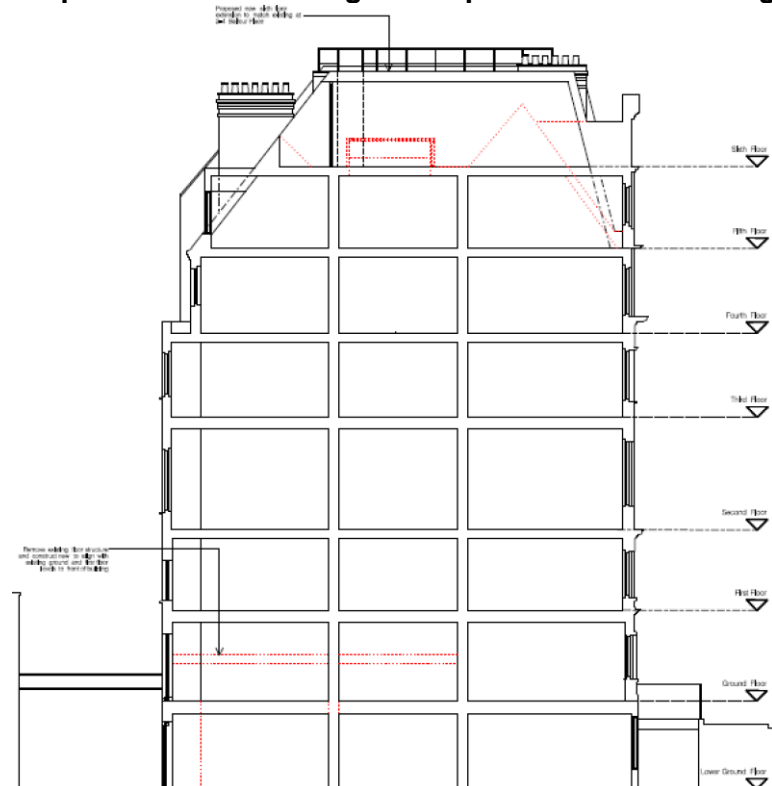
### Proposed Rear Elevation



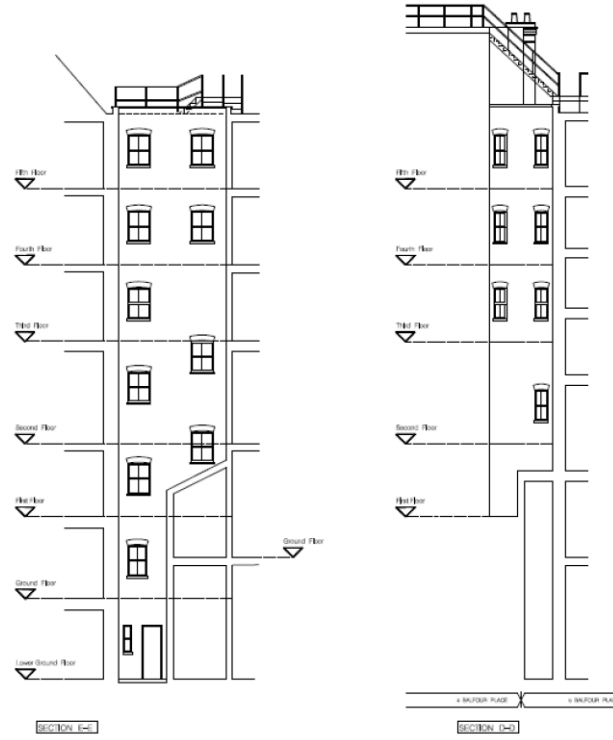
**Existing Section through main portion of the building**



**Proposed Section through main portion of the building**



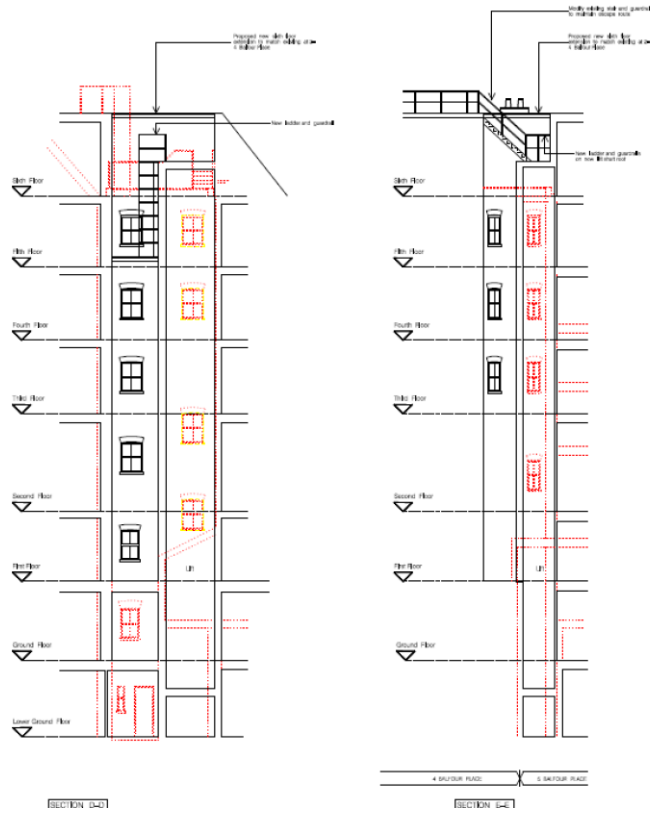
### Existing Section through internal lightwell



SECTION C-C

SECTION D-D

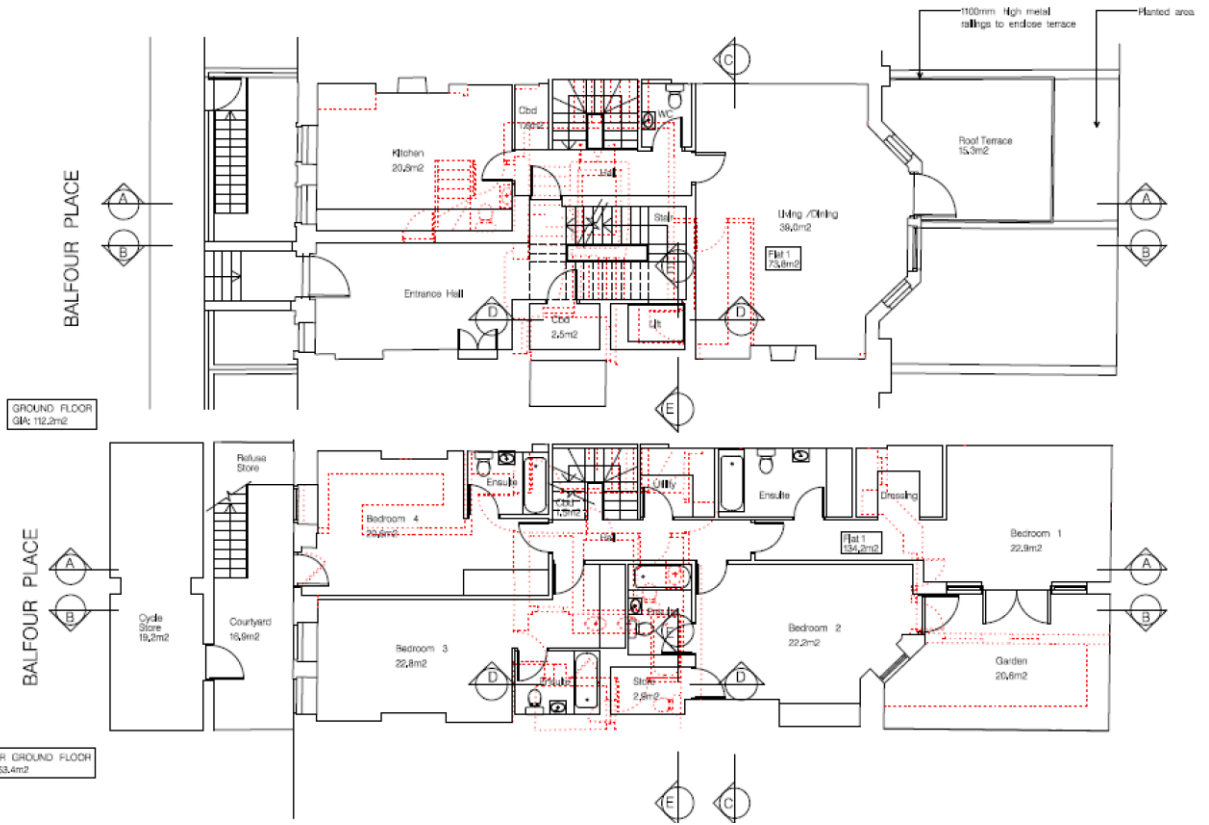
### Proposed Section through internal lightwell

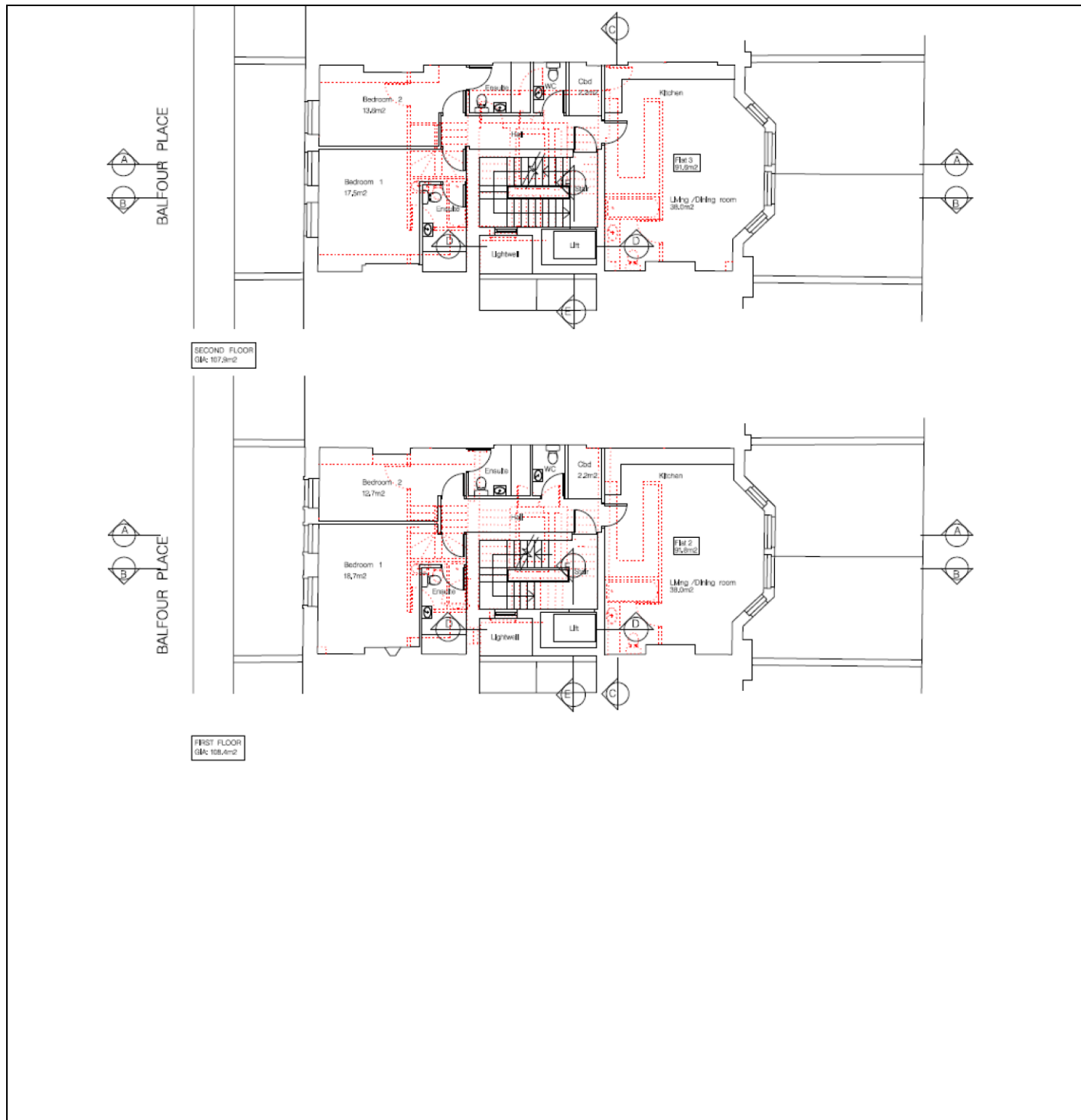


SECTION C-C

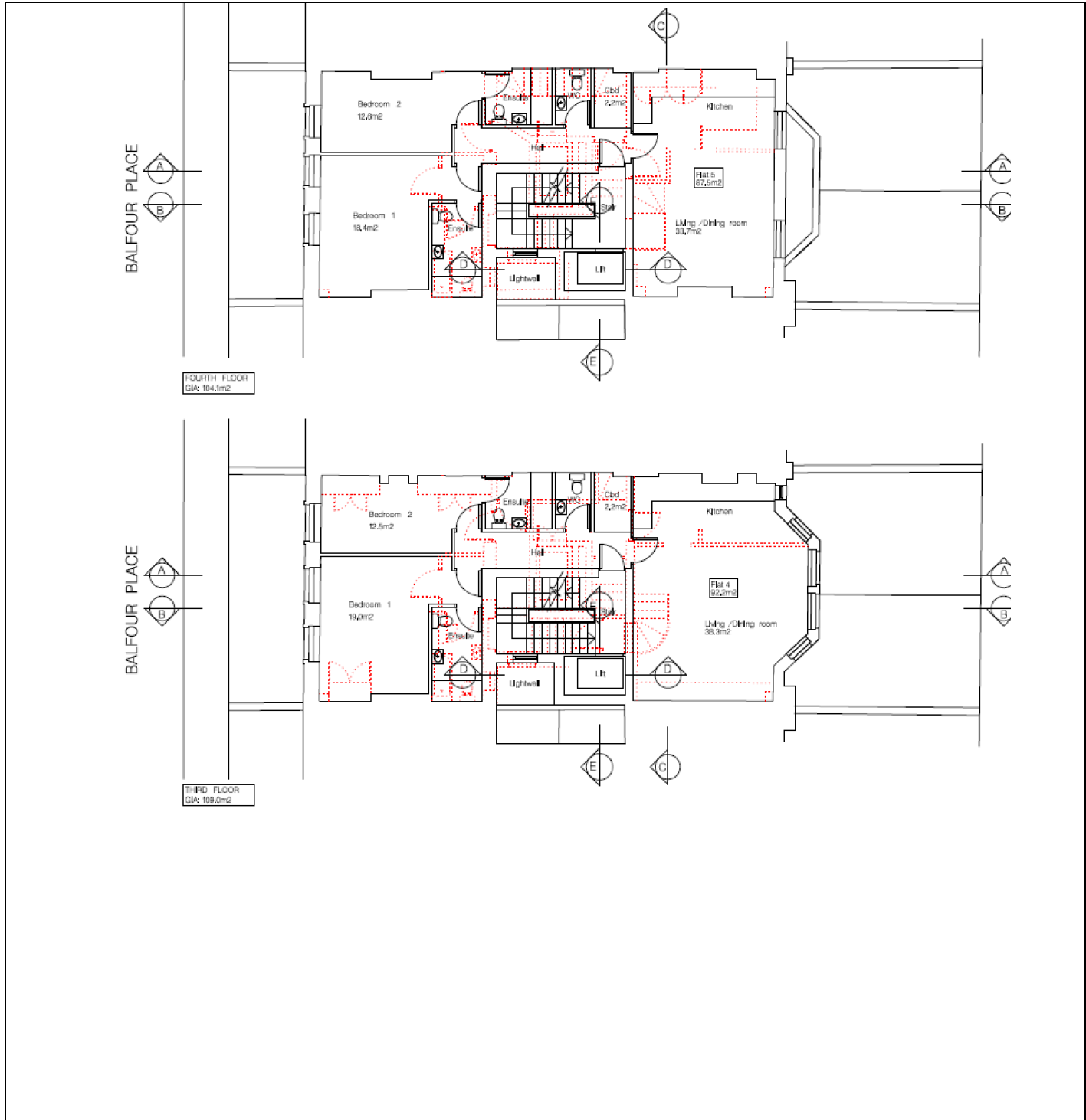
SECTION D-D

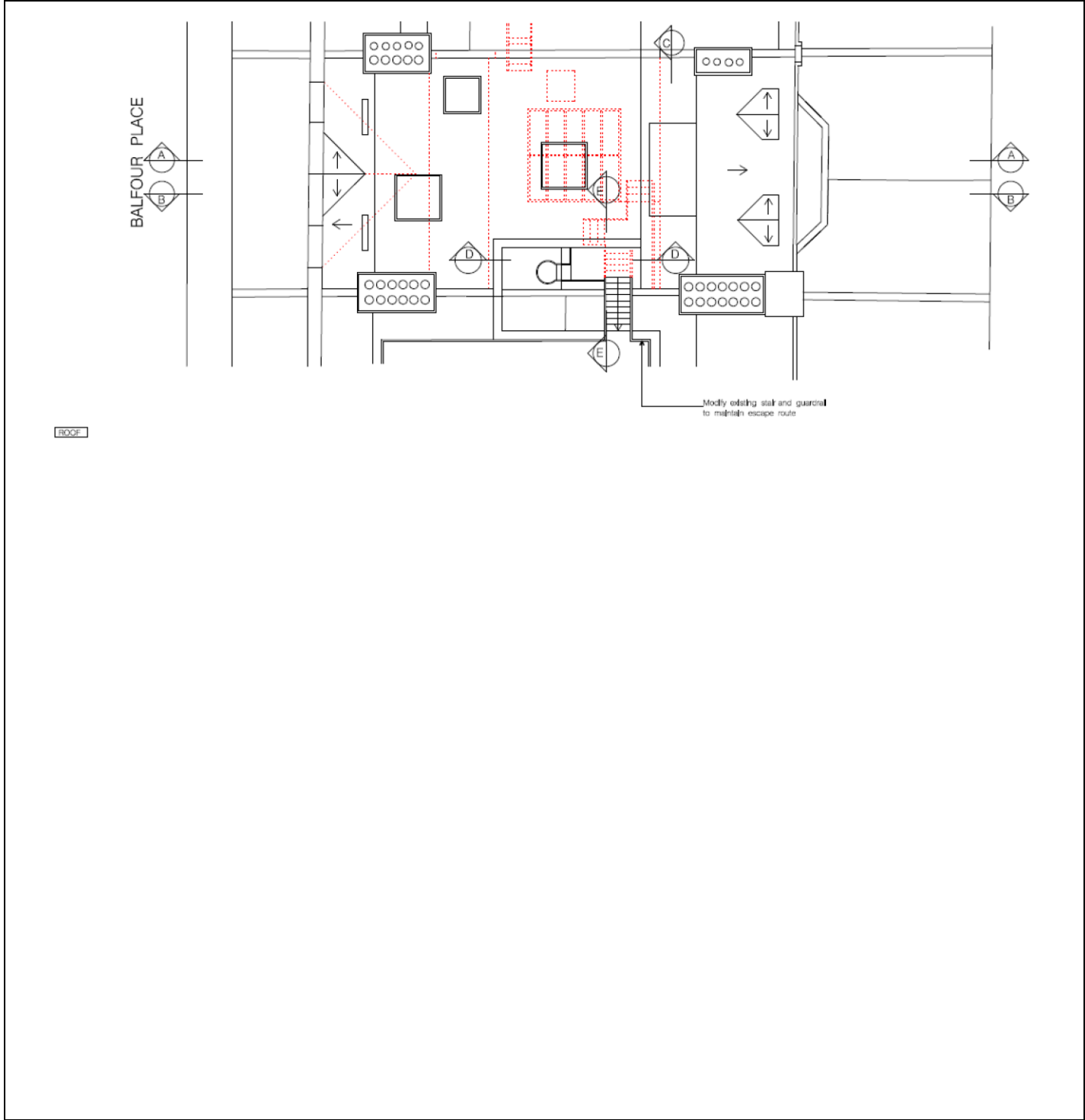
### Proposed Plans











**Address:** 5 Balfour Place, London, W1K 2AU,

**Proposal:** Erection of a single storey extension at sixth floor level with a terrace to the rear. Demolition of existing rear lower ground floor extension and erection of an alternate extension in the northern portion of the rear garden with a terrace above. Partial infilling of internal lightwell from first to fifth floor level adjacent to No. 4 Balfour Place to accommodate a lift. External alterations including modifications to the rear fenestration, replacement window and installation of railing detailing to the front elevation, modifications to main entrance portico, alteration to fire access arrangement and associated works. Reconfiguration of existing building, and together with the proposed extensions to provide six residential units (one additional unit) (Class C3).

**Plan Nos:** 2952-P-221 REV C, 2953-P-222 REV B, 2953-P-223 REV B, 2953-P-224 REV C, 2953-P-225 REV B, 2953-P-226 REV D, 2953-P-227 REV D, 2953-P-228 REV B, 2953-P-229 REV B, 2953-P-230, 2953-P-231.

**Case Officer:** Damian Lavelle

**Direct Tel. No.** 07779431364

**Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:**

- 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 Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 3 The design and structure of the building shall be of such a standard that it will protect residents within the same building or in adjoining buildings from noise and vibration from the development, so that they are not exposed to noise levels indoors of more than 35 dB LAeq 16 hrs daytime and of more than 30 dB LAeq 8 hrs in bedrooms at night. Inside bedrooms 45 dB L Amax is not to be exceeded more than 15 times per night-time from sources other than emergency sirens. (C49BB)

Reason:

To ensure that design, structure and acoustic insulation of the development will provide sufficient protection for residents of the same or adjoining buildings from noise and vibration from elsewhere in the development, as set out Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R49BB)

- 4 The design and structure of the building 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. (C49AA)

Reason:

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 as set Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R49AB)

- 5 You must apply to us for approval of details of secure cycle storage for the residential use use. You must not start any work on this part of the development until we have approved in writing what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation and make it available at all times to everyone using the approved residential units. You must not use the cycle storage for any other purpose. (C22HA)

Reason:

To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22FB)

- 6 You must apply to us for approval of details of how waste is to be stored on site and how materials for recycling will be stored separately. You must not occupy the residential accommodation use hereby approved until we have approved what you have sent us. You must then provide the waste and recycling storage prior to occupation of the development and thereafter permanently retain the stores according to these details. You must clearly mark them and make them available at all times to everyone using the residential accommodation. You must not use the waste and recycling store for any other purpose. (C14GB)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

- 7 The family sized residential units (units containing three bedrooms or more) shown on the

approved drawings must be provided and thereafter shall be permanently retained as accommodation which (in addition to the living space) provides a minimum of three separate rooms capable of being occupied as bedrooms.

Reason:

To protect family accommodation as set out in Policy 8 of the City Plan 2019 - 2040 (April 2021). (R07DD)

- 8 You must apply to us for approval of details of a post construction stage report which demonstrates that the development meets a "very good" rating under BREEAM Domestic Refurbishment 2014. This report shall be submitted to us within 6 months of the occupation of any part of the building. If you use another method, you must achieve an equally high standard.

Reason:

To make sure that the development affects the environment as little as possible, as set out in Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021). (R44BD)

- 9 You must apply to us for approval of detailed drawings and a bio-diversity management plan in relation to the planted area to the rear of rear ground floor terrace to include construction method, layout, species and maintenance regime.

You must not commence works on the relevant part of the development until we have approved what you have sent us. You must carry out this work according to the approved details prior to using the residential accommodation hereby approved and thereafter retain and maintain in accordance with the approved management plan. (C43GA)

Reason:

To reduce the effect the development has on the biodiversity of the environment, as set out in Policy 34 of the City Plan 2019 - 2040 (April 2021). (R43AC)

- 10 All new windows and roof lights must be openable.

Reason:

To ensure the development minimises its operational carbon dioxide emissions and achieves the highest levels of sustainable design and construction in accordance with Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R17DA)

- 11 You must apply to us for approval of samples and specification details 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 work on the relevant part of the development until we have approved in writing what you have sent us. You must then carry out the work using the approved materials. (C26BD)

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 Conservation Area. This is as set out in Policies

38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

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

- 1, Roof lights, showing method of opening and relationship with roof fabric
- 2, Windows showing method of opening and relationship with wall fabric
- 3, Doors showing method of opening and relationship with wall fabric
- 4, Railings showing method of fixing relationship with building fabric
- 5, Dormers, including windows/doors and relationship with roof fabric
- 6, New stone Portico

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

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

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 16 You must not put structures such as canopies, fences, loggias, trellises or satellite or radio antennae on the terraces hereby approved.

Reason:

To make sure that the appearance of the building is suitable and that it contributes to the character and appearance of this part of the Mayfair Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26BF)

- 17 The residential units hereby approved shall be constructed to achieve mains water consumption of 105 litres or less per head per day (excluding allowance of up to five litres for external water consumption) using the fittings approach.

Reason:

The site is in an area of serious water stress requiring water efficiency opportunities to be maximised to mitigate the impacts of climate change and enhance the sustainability of the development in accordance with Policy 38(D) in the City Plan 2019 - 2040, Policy SI5 in the London Plan 2021 and our Environmental Supplementary Planning Document (2022).

- 18 The heating and hot water system within the residential units hereby approved must be powered by electric only.

Reason:

To reduce the reliance on fossil fuels and to make sure that the development continues to reduce its operational carbon impact as the national grid becomes cleaner in accordance with Policies 36 and 38 of the City Plan 2019 - 2040 (April 2021).

**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 the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the London Plan (March 2021), 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 Building works must be carried out in accordance with condition 2 of this permission. Non-compliance with this condition will result in enforcement action.
- 3 You are encouraged to join the nationally recognised Considerate Constructors Scheme. This

commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, [siteenquiries@ccscheme.org.uk](mailto:siteenquiries@ccscheme.org.uk) or visit [www.ccscheme.org.uk](http://www.ccscheme.org.uk).

- 4 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to contact to our Environmental Sciences Team (email: [environmentalsciences2@westminster.gov.uk](mailto:environmentalsciences2@westminster.gov.uk)) to make sure that you meet all the requirements before you draw up contracts for demolition and building work.

When a contractor is appointed they may also wish to make contact with the Environmental Sciences Team before starting work. The contractor can formally apply for consent for prior approval under Section 61, Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required the authority may serve a notice on the site/works setting conditions of permitted work (Section 60, Control of Pollution Act 1974).

British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control during construction work.

An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.

- 5 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, for example by issuing regular bulletins about site progress.
- 6 With regards to condition 5, we expect details to identify 18 cycle parking spaces which are dedicated to the approved residential accommodation.

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.